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Initial: (M Kererao)

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	rents:					•

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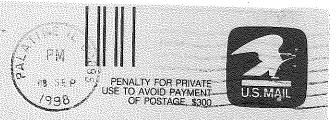
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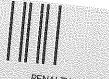
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Mr. Terence J. Coogan Registered Agent S.D. Metals, Inc. 7955 W. 59th Street Summit, IL 60401	☐ Regis☐ Certi☐ Expre	
5 Signature (Addressee) 6. Signature (Agent) PS Form 3811, December 1991 AU.S. GPO: 1993—3	and f	essee's Address (Only if requested

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DE-9J

P37/ 904 180 SEP 04 1998

<u>CERTIFIED MAIL</u> <u>RETURN RECEIPT REQUESTED</u>

S.D. Metals, Inc. c/o Michael Tang, President 1965 Pratt Boulevard Elk Grove Village, Illinois 60007

> RE: Administrative Order Section 3013 of RCRA

Dear Mr. Tang:

Enclosed please find an Administrative Order issued pursuant to Section 3013 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6934. While the United States Environmental Protection Agency (U.S. EPA) does not admit to any deficiencies in service of the Administrative Order issued July 29, 1998 to Midwest Metallics, L.P., and S.D. Metals, Inc., service of the Administrative Order by means of this Certified Letter is designed to address concerns raised in the Appearance and Response of Midwest Metallics dated August 13, 1998.

The U.S. EPA has determined that there exists the potential for releases of hazardous wastes from the Midwest Metallics, L.P. facility located at 7955 West 59th Street, Summit, Illinois (the Summit facility). The Order is issued to S.D. Metals, Inc. as the general partner of Midwest Metallics, and as an operator of the facility. The Order requires S.D. Metals to prepare a written proposal to carry out monitoring, testing, analysis, and reporting to determine the nature and extent of the hazards posed by the hazardous wastes that are or were present at the Summit facility. The Order requires that the proposal be submitted to U.S. EPA within forty-five (45) days from the date the Order was originally issued, and that the proposal be implemented once it is approved by U.S. EPA.

At any time prior to the submission of the required proposal, you may provide to U.S. EPA, in writing or in person: (1) information to show why S.D. Metals should not be subject to this Order; and (2) whatever additional information you believe is relevant. You may also confer with U.S. EPA on the actions required by the Order at any time before or after the written proposal is due; the scheduling of such a conference with U.S. EPA, however, does not relieve you of the obligation to submit the written proposal described above.

Compliance is still required with the schedule for submission of the proposal set forth in the original order issued July 29, 1998. If you have any legal inquiries or wish to schedule a conference with U.S. EPA on this matter, please contact Sherry L. Estes, Associate Regional Counsel, at (312) 886-7164. Any technical questions should be directed to John Gaitskill with the RCRA Enforcement and Compliance Assurance Branch, U.S. EPA Region 5 at (312) 886-6795.

Sincerely yours,

Joseph M. Boyle, Chief Enforcement & Compliance Assurance Branch Waste Pesticides and Toxics Division

Enclosure

cc: Cliff Gould, IEPA (w/o encl)

ENFORCEMENT & COMPLIANCE ASSURANCE BRANCH

SECRETARY	SECRETARY	SECRETARY	SECRETARY
1869898			
AUTHOR/ TYPIST	OFFICE OF REGIONAL COUNSEL	Illinois/ Indiana SECTION CHIEF	ECAB CHIEF
MJ 39/2/98		LM 9/18	9/3/98

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Attachment III

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ADMINISTRATIVE RECORD

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Midwest Wetallics Facility Summit, Illinois (ILD 054 348 974)

7/17/90	3/16/90	1/30/90	11/21/88	4/13/88	9/26/84	4/24/77				9 41 E
William C. Child, IL EPA	Summit Fire Department	Summit Fire Department	11/21/88 Mitch Kidwell, USEPA	State of III/Cook County	Courtney M. Price, USEPA	Russell R. Eggert, Mayer/Brown/Plat	US EPA		Midwest Metallics	Ken Zolnierczyk
Ltr. re: IL EPA evaluation request of 7/9/90 for auto fluff	Fire Dept. Alarm Report: large scrap pile burning	Fire Dept. Alarm Report: large scrap pile burning	Memo: Possible Applicability of RCRA Regulations to fluff	Certificate of Title for Summit Facility	Memo re: Issuance of Administrative Orders (Sec. 3013)	Russell R. Eggert, Mayer/Brown/Platt Copies of the "Residue Volume Calculation for Mr. Pielet,"	Toxicological Profile For Hazardous Waste Constituents	Sign in sheet for Midwest Metallics meeting	Midwest Metallics Environmental Action Plan	穿加克设在Ct Sampling at Midwest Metallics
J.Pielet, Pielet Bro's Iron/metal			R. LaShier & J. Johnson, USEPA		List of addressees	RoseMarie Cazeau, IAGO				- RECIPIENT

S st Metallics Facility Summit, Illinois (ILD 054 348 974)

DATE AUTHOR 2/22/91 David Bussard, EPA-OSW	adisule of the fluff materials	RECIPIENT Herschel Cutler,Instit.Scp. Recycl.Indus
8/19/91 Summit Fire Department	Fire Dept. Alarm Report: large scrap pile burning	
10/15/91 John Mahar, IERA	Memo re: IL EPA, Inspection Report Pielet Bro's.	
3/1/93 J.V. Ryan & C. C. Lutes AECorp.	Characterization of Emissions from Simulated Open-Burning Of Non-Metallic Automobile Shredder Residue	USEPA
8/1/93 USEPA	Sampling Guidance for Scrap Metal Shredders	
10/7/93 Gino Bruni, IL EPA	Memo re: IL EPA, Inspection Report Midwest Metallics	
11/21/93 Summit Fire Department	Fire Dept. Alarm Report: pile of rubbish burning	
6/4/94 Summit Fire Department	Fire Dept. Alarm Report: rubbish burning	
6/22/94 Division File IL EPA	Memo re: Water & Sediment Sample Results from the Wastewater- Midwest Metallics Summit Facility	Gino Bruni, IL EPA
9/11/94 Summit Fire Department	Fire Dept. Alarm Report: northside of large pile of scrap on fire	
9/14/94 Summit Fire Department	Fire Dept. Alarm Report: small rubbish fire	

Midwest Metallics Facility Summit, Illinois (ILD 054 348 974)

5/21/95	1/12/95	12/26/94	12/24/94	12/15/94	12/13/94	11/24/94	11/13/94	10/23/94	10/3/94	5) ATE 10/1/94
Summit Fire Department	Summit Fire Department	12/26/94 Summit Fire Department	12/24/94 Summit Fire Department	Gino Bruni, IL EPA	12/13/94 S. C. Saxena & N. S. Rao	Summit Fire Department	11/13/94 Summit Fire Department	10/23/94 Summit Fire Department	Summit Fire Department	AUTHOR Summit Fire Department
Fire Dept. Alarm Report: large scrap pile of fluff/metal burning	Fire Dept. Alarm Report: pile of rubbish/smoldering	Fire Dept. Alarm Report: rubbish burning smoldering piles	Fire Dept. Alarm Report: small pile of rubbish on fire	IERA, Inspection Midwest Metallics	Auto Fluff Combustion & Ash Agglomerate Formation	Fire Dept. Alarm Report: pile of rubbish on fire	Fire Dept. Alarm Report: large pile of rubbish burning	Fire Dept. Alarm Report: large pile of scrap burning	Fire Dept. Alarm Report: rubbish fire	窓切扱いだら Fire Dept. Alarm Report: burning rubbish

pare Author 1/1/96 Pacific N.W. Pollution Prevention Automobile Shredder Residue-Recovering (last update 1/96) est Metallics Facility Summit, Illinois (ILD 054 348 974)

1/23/97 Patricia Brown-Derocher, Kearney	1/23/97 A.T. Kearney, Inc.	1/15/97 Robert Young, A.T. Kearney	1/1/97 Midwest Metallics	11/26/96 US EPA	11/26/96 A.T. Kearney	11/18/96 Robert Young, A.T. Kearney	7/15/96 U.S. EPA	5/31/96 State of Illinois	5/15/96 Division File IL EPA
Split Sampling Report for the waste auto fluff samples collected	Midwest Metallics Waste Auto fluff sampling report	Transmittal of Analytical Results - C200/R05-020	Major expenditures incurred by or committed to by Midwest Metallics	Video-20 min. Inspection at Midwest Metallics	Chain of Custody Record	Sampling Assistance at Midwest Metallics	Notification of Regulated Waste Activity	First amended complaint for Injunction & Civil Penalties	Memo re: Sampling inspection 5/7/96
Ann Kerbs, USEPA	Ann Kerbs, USEPA	Michael Ribordy, USEPA			Janice McKittrich	Michael Ribordy, USEPA	Terance Coogan, Midwest Metallic	Midwest Metallics, L.P.	Gino Bruni, IL EPA

Midwest Metallics Facility Summit, Illinois (ILD 054 348 974)

3/15/98	3/15/98	10/20/9	8/12/97	7/25/97	5/13/97	4/21/97	4/10/97	4/10/97	4/2/97	9 83 E 3/28/97
John Gaitskill, USEPA	John Gaitskill, USEPA	10/20/97 Steven A. Herman, USEPA	Daily Southtown News	′ Joseph M. Boyle, USEPA	Patricia Brown-Derocher, A.T.Kearn.	-	7	7 Janice McKittrich, A.T. Kearney	Janice McKittrich, A.T. Kearney	AUTHOR Sherry L. Estes, USEPA
Aerial photograph Midwest Metallics Summit Facility looking N	Aerial photograph Midwest Metallics Summit Facility looking NE	Transmittal of "guidance on the Use of Sec. 7003 of RCRA"	State moves on auto dump Midwest Metallic	Ltr. re: USEPA intent to file civil proceeding against Midwest Metallics	Ltr. re: Analytical Data Summary Report	Russell R. Eggert, Mayer/Brown/Platt Ltr. re: Meeting at USEPA on April 10, 1997	Sign in sheet for Midwest Metallics meeting, at US EPA	Summary Report	CLP Result Summary Form for A.T. Kearney Midwest Samples	SUBJECT Ltr. re. USEPA & IL EPA 11/26/96 inspected Midwest Metallics
		Linda Murphy, et., al		Russell R. Eggert, Mayer/Brown/Platt	Brian Freeman, USEPA	RoseMarie Cazeau, IAGO			Michael Ribordy, USEPA	RECIPIENT Russell Eggert, et.,al

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Attachment II

RCRA QAPP INSTRUCTIONS

U.S. EPA REGION V

REVISION: APRIL 1998

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ATTACHMENT A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

OFFICE OF SOLID WASTE

JUL 1 1 1980

OFFICE OF WATER
AND WASTE MANAGEMENT

Mr. Herschel Cutler
Executive Director
Institute of Scrap Iron & Steel, Inc.
1627 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Cutler:

At your request, we have reviewed your proposed industry-wide sampling program for scrap processors' wastes and would like to proffer a few suggestions on how that program might be improved.

First, to the extent that there are any relevant technological differences in the balers, shears, and shredders from which the sampling pool will be drawn (i.e., differences which might influence the composition of the wastestream), these differences should be accounted for in the sampling.

Second, it would be beneficial to record what kind of scrap is being fed into the baler, shredder, or shears at the time the sampling is performed. This would allow you to determine whether there is any discrepancy between the makeup of scrap from which the waste samples are drawn and the general makeup of the scrap processed by the industry.

Third, the 14 sites which will be sampled for "within-site" variations should be selected at random from the 35 sites originally sampled and not from the total pool of 200. Selecting the 14 sites from the total pool of 200 shredder sites would prevent you from achieving 95% confidence in your "within-site" subsampling results and would cause overlap problems.

Fourth, to the extent possible, balers, shears, and shredders should not be given specific advance notice of the date and time of sampling. This will eliminate any bias caused by scrap processors intentionally changing their scrap feed on the date of sampling.

Fifth, the balers, shears, and shredders selected for sampling should be chosen independently, without any consideration of whether they are located at the same location.

Sixth, you should consult EPA's manual entitled "Test Methods for the Evaluation of Solid Wastes" (SW 846) to determine the number of times the EP should be run on a given sample to ensure 95% confidence in the test results. This manual can be obtained from: Ed Cox, Solid Waste Information, U.S. Environmental Protection Agency, 26 West St. Clair St., Cinncinnati, Ohio 45268 (513) (684-5362).

Apart from the above, we detect no apparent deficiencies in your sampling program and consider it to be capable of producing a statistically representative characterization of the industry's waste. In our opinion, an individual processor may satisfy his Section 262.11 responsibility to determine whether his waste is hazardous by relying upon an industry-wide, statistically representative sampling of the industry's waste--unless of course he has reason to know that his waste is completely atypical of the sampled waste. We caution you, however, that reliance on such an industry-wide sampling and characterization program does not relieve the individual processor of liability in the event it is subsequently determined that the waste is hazardous. Indeed, reliance by an individual processor on tests conducted on his own waste does not relieve the processor of liability in the event the waste is subsequently determined to be hazardous.

We thank you for consulting us in this matter and will be happy to provide you with further guidance upon the submission of the sampling program results to us. If you have any further questions, please contact Matt Strauss of my staff.

Sincerely yours,

ishut Lehman

John P. Lehman, Director Hazardous and Industrial Waste Division (WH-565)

cc: J. Gordon Arbuckle

7/29/98

FUTT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

IN THE MATTER OF:)	DOCKET NO.
)	
MIDWEST METALLICS, L.P.)	
7955 WEST 59TH STREET)	PROCEEDING UNDER SECTION
SUMMIT, ILLINOIS)	3013 OF THE RESOURCE
U.S. EPA I.D. NO.: ILD 054 348 97	4)	CONSERVATION AND RECOVERY
)	ACT, 42 U.S.C. §6934
and S.D. Metals, Inc.)	•
Midwest Metallics, RESPONDENTS)	
)	

ORDER REQUIRING MONITORING, TESTING, ANALYSIS AND REPORTING

I. PRELIMINARY STATEMENTS

- 1. This is an administrative action instituted pursuant to Section 3013 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. \S 6934, seeking monitoring, testing, analysis, and reporting.
- 2. Respondents to this Order, pursuant to the authority of Section 3013 of RCRA, 42 U.S.C. § 6934, are Midwest Metallics, L.P., a limited partnership, and S. D. Metals, Inc., an Illinois Corporation and general partner of Midwest Metallics.
- 3. This Order is issued by the Chief of the Enforcement and Compliance Assurance Branch of the Waste, Pesticides and Toxics Division, United States Environmental Protection Agency (U.S. EPA), Region 5 (the Branch Chief). The Branch Chief, acting pursuant to the authority vested in the Administrator by Section 3013 of RCRA, 42 U.S.C. § 6934, duly delegated, and having been presented with information set forth in the administrative record for this Order, has determined that the presence of hazardous wastes, as defined by Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), at Respondents' facility may present a substantial hazard to human health or the environment. Based upon this determination, the Branch Chief hereby orders Respondents to conduct monitoring, testing, analysis and reporting to ascertain the nature and extent of such hazard and endangerment.

4. This Order is based upon the administrative record compiled by U.S. EPA and incorporated herein by reference. The record is available for review by Respondents and the public at U.S. EPA's regional office at 77 West Jackson Boulevard, Chicago, Illinois 60604. The index to the administrative record is attached as Attachment III to this Order.

II. PARTIES BOUND

- 1. This Order shall apply to and be binding upon Respondents. To the same extent that this Order mandates that any particular Respondent undertake activities in compliance with this Order, it shall also be binding upon that particular Respondent's general and limited partners, directors, employees, agents, receivers, successors and assigns, heirs, trustees, and all other persons, including, but not limited to, contractors, and consultants acting under or on behalf of that Respondent in connection with the implementation of this Order.
- 2. No change in ownership, corporate, or partnership status relating to the facility will in any way alter the status or responsibility of Respondents Midwest Metallics or S.D. Metals under this Order. Any conveyance of title, easement, or other interest in Respondents Midwest Metallics' or S.D. Metals' facility or a portion of their facility shall not affect these Respondents' obligations under this Order. Respondents Midwest Metallics and S.D. Metals shall be responsible for and liable for any failure to carry out all activities required of them by this Order, irrespective of their use of employees, agents, contractors, or consultants to perform any such tasks.
- 3. Respondents shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order within seven (7) days of the effective date of this Order or date of such retention of services, and shall condition all such contracts on compliance with the terms of this Order.
- 4. Any documents transferring ownership and/or operations of the facility from Respondents Midwest Metallics or S.D. Metals to a successor-in-interest shall include written notice of this Order; however, these Respondents shall, no less than thirty (30) days prior to transfer of ownership or operation of the facility, provide written notice of this Order to their successor-in-interest, and written notice of said transfer of ownership and/or operation to U.S. EPA and the Illinois Environmental Protection Agency (Illinois EPA).

III. FINDINGS OF FACT

- 1. Respondent Midwest Metallics, L.P., is a "person," as defined by Section 1004(15) of RCRA, 42 U.S.C. §6903(15), and 35 Illinois Administrative Code (IAC) 702.110, and is the "owner" of a "facility" located at 7955 West 59th Street, Summit, Illinois (the "facility"), as those terms are defined in 40 CFR § 260.10 and 35 IAC 702.110.
- 2. Respondent S.D. Metals, Inc., is the general partner and is in control of Midwest Metallics, L.P. Since October 26, 1993, Midwest Metallics and S.D. Metals, Inc., have been doing business at the facility and are the operators of the facility, as that term is defined in $40 \ \text{CFR} \ \$ \ 260.10$.
- 3. Since October, 1993, the Respondents have conducted an automobile shredding operation at the facility. Respondents', predecessors-in-interest began conducting an automobile shredding operation at the facility in 1988. These automobile shredding operations have continued until the filing of this Order. Following the shredding activities, the ferrous metal is separated from the non-ferrous metal. This separation of ferrous and non-ferrous metal generates waste known as "auto fluff", consisting of a combination of plastics such as polyethylene (PE), polypropylene (PP), acrylonitrile-butadiene-styrene (ABS), polyurethane foam (PUF), polyvinylchloride (PVC), rubber, glass, wood products, cloth, paper, dirt, and electrical wiring.
- 4. The Respondents caused or allowed this auto fluff waste generated at the site to be placed in a "pile" at the facility, as this term is defined in 40 CFR \S 260.10 and 35 IAC 702.110.
- 5. Estimates provided by Respondent Midwest Metallics in an April 24, 1997 letter show the pile to be between 150,000 cubic yards and 180,000 cubic yards. The pile is approximately 800 feet long by 200 feet wide and up to 35 feet high.
- 6. The auto fluff waste in the pile is "hazardous waste" within the meaning of Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), based on sampling conducted on November 26, 1996.
- 7. Section 3010(a) of RCRA, 42 U.S.C. §6930(a), requires any person who generates or transports hazardous waste, or owns or operates a facility for the treatment, storage, or disposal of hazardous waste, to notify U.S. EPA of such activity within 90 days of the promulgation of regulations under Section 3001 of RCRA. Section 3010 of RCRA also provides that no hazardous waste

subject to regulations may be transported, treated, stored, or disposed of unless the required notification has been given.

- 8. On October 7, 1996, a Notification was filed with U.S. EPA indicating that Midwest Metallics, L.P. was a small quantity generator of hazardous waste.
- 9. On December 5, 1990, an inspector from Illinois EPA collected samples of auto fluff waste that was generated at Respondents' facility and which was disposed of at a site in Streator, LaSalle County, Illinois. Laboratory analysis of this waste using the Toxicity Characteristic Leaching Procedure (TCLP) showed lead levels of 10.56 mg/l.
- 10. On June 6, 1991, and October 15, 1991, inspectors from Illinois EPA conducted inspections of the facility. During their inspection visits, the inspectors found auto fluff waste piled in various areas of the facility.
- 11. On October 6-7, 1993, an Illinois EPA inspector conducted an inspection of the facility. The inspector observed that the waste pile of auto fluff waste was still at the facility. The inspector observed that the pile of auto fluff waste was not stored in any container, and further, that the Respondents in control of the facility at that time had not taken any action, and had instituted no measure(s) to prevent this waste from entering the environment, including surface water runoff and wind dispersal from the facility.
- 12. On March 17, 1994, and December 2, 1994, Illinois EPA inspectors again visited the site. During these inspection visits, they observed that the pile of auto fluff waste was still at the facility. This pile of auto fluff waste remained uncontainerized and stored directly on the ground. Further, Respondents had taken no action and instituted no measure(s) to prevent this auto fluff waste from entering the environment, including surface water run-off and wind dispersal from the facility.
- 13. On August 28-29, 1995, an Illinois EPA inspector conducted an inspection at the facility. During these inspection visits, the inspector observed that the pile of auto fluff waste was still on the site. Further, the inspector observed that this pile of auto fluff waste was still being stored uncontainerized, directly on the ground, and that Respondents had taken no action and instituted no measure(s) to prevent this auto fluff waste from entering the environment, including surface water run-off and wind dispersal from the facility.

14. On May 7, 1996, an Illinois EPA inspector observed leachate flow from the unsecured waste pile of auto fluff, and pond off-site to the east of the waste pile; the off-site area is also unsecured. The leachate was orange in color and had a pH of 10, which indicated that the leachate was highly caustic. A highly caustic leachate could cause reactions ranging from skin rashes to chemical burns on those who come into contact with it. In addition, the leachate could have adverse effects or destroy vegetation in the area. The Illinois EPA inspector sampled the leachate this same date. Laboratory analysis of these samples for total metals showed the presence of, among other things, beryllium, cadmium, chromium, copper, lead, nickel, silver and zinc at the following levels:

TABLE 1

Parameter	Leachate Sample Results (ppm)	35 Ill. Adm. Code Part 620 Class I Groundwater Standard (ppm)	35 Ill. Adm. Code Part 620 Class II Groundwater Standard (ppm)
Beryllium	0.001	0.004	0.5
Cadmium	0.003	0.005	0.05
Chromium	0.03	0.1	1
Copper	2.3	0.65	0.65
Lead	0.27	.0.0075	0.1
Nickel	0.97	0.1	2
Mercury	0.00175	0.002	0.01
Silver	0.007	0.05	
Zinc	0.48	5	10

15. On May 7, 1996, the Illinois EPA inspector also collected samples of the sediment that had settled out of the run-off from the auto fluff waste pile, as it had flowed and ponded off-site. Laboratory analyses of these samples for total metals, showed the presence of among other things, beryllium, cadmium, chromium, copper, lead, nickel, mercury, silver and zinc at the following levels:

TABLE 2

Parameter	Sediment Sample Result (ppm)	Agency Background Concentration In Illinois Soil (ppm) (IEPA/Env/94-161)
Beryllium	0.67	0.69
Cadmium	8.2	0.97
Chromium	. 100	17.3
Copper	1200	19.7
Lead	1600	49.2
Nickel	180	16.8
Mercury	0.71	0.11
Silver	5.9	0.8
Zinc	2100	103

- 16. The U.S. EPA has gathered samples of various waste materials at seven shredder sites distributed across the United States. This study, "PCB, Lead, and Cadmium Levels in Shredder Waste Materials: A Pilot Study" found concentrations of lead and cadmium ranging as high as 43,000 ppm and 200 ppm, respectively. Analysis of samples of PCBs revealed concentrations ranging as high as 870 ppm.
- 17. On November 26, 1996, representatives from U.S. EPA and Illinois EPA conducted a sampling inspection at the facility. Eight composite samples and one duplicate of the auto fluff were collected from four different areas of the waste pile.
- 18. The samples were analyzed using the Toxicity Characteristic Leaching Procedure (TCLP) for the eight RCRA metals. Analytical results, set forth in Table 3, demonstrated that seven of the eight field samples exhibited the toxicity characteristic with respect to lead (D008) (Table 1). 40 CFR §261.24, method 1311, U.S. EPA publication SW-846.

TCLP METAL ANALYTICAL DATA SUMMARY AUTO FLUFF WASTE SAMPLES

Sample Number	201	800	803	030	SoA	203	yus	2002	aws	7
	100			200				200	3	
Units	µg/L	μg/L	μg/L	$\mu \mathrm{g/L}$	$\mu \mathrm{g/L}$	μ g/L	$\mu \mathrm{g/L}$	$\mu { m g/L}$	$\mu \mathrm{g}/\mathrm{L}$	μ g/L
Remarks	Interior	Surface	Interior	Duplicate of S03	Surface	Interior	Surface	Interior	Surface	Equipment Blank
TCLP Metals ¹										
Arsenic (5,000)	14.4 U	14.4 U	14.4 U	14.4 U	14.4 U	14.4 U	14.4 U	14.4 U	14.4 U	0.91 U
Barium (1x10 ⁵)	1810	1950	996	1250	940	668	1150	878	1330	0.8 U
Cadmium (1,000)	535	504	752	698	467	384	470	824	614	0.09 U
Chromium (5,000)	1.8 U	4.01	1.8 U	1.84 U	9.5	12.1	15.3	5.61	1.8 U	0.4
Lead (5,000)	4230	5470	12900	22400	12200	11200	19600	34800	68500	1.49 U
Mercury (200)	0.1 U	0.1 U	0.1 U	0.1 U	0.1 U	0.1 U	0.13	0.16	0.1 U	NA
Selenium (1,000)	3.9 U	3.9 U	3.9 U	3.9 U	3.9 U	10.8 U	44.7	3.9 U	3.9 U	3.39 U
Silver (5,000)	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U

The regulatory level in $\mu g/L$ is from Table 1 of 40 CFR 261.24

- 19. During the November 26, 1996 sampling inspection, representatives from U.S. EPA and Illinois EPA observed that the waste pile of auto fluff was uncontainerized and stored directly on the ground in an unsecured location. Further, Respondents still had taken no action and had instituted no measure(s) to prevent this auto fluff waste from entering the environment, including surface water run-off from the site, and wind dispersal.
- 20. The waste pile of auto fluff is stored in an unsecured area. The current use of the surrounding area ranges from industrial to residential. Residences, schools, and public parks are located within less than one mile of the facility.
- 21. The presence of hazardous waste in the waste pile at the facility constitutes storage and/or disposal of hazardous waste within the meaning of Section 1004(3) and (33) of RCRA, 42 U.S.C. §§ 6903(3) and (33).
- 22. Respondents have never notified Illinois EPA and/or U.S. EPA regarding the treatment, storage and/or disposal of hazardous waste in a waste pile in violation of Section 3010(a) of RCRA, 42 U.S.C. §6930(a).
- 23. The owner or operator of a facility which treats, stores or disposes of hazardous waste must comply with 40 CFR Part 265 or equivalent state regulations at 35 Ill. Admn. Code 725. These regulations establish standards governing the treatment, storage, and/or disposal of hazardous waste. These standards are designed to minimize the release of hazardous waste into the environment.
- 24. Respondents manage and/or have managed hazardous waste in a pile which is subject to the management standards for waste piles specified at 40 CFR 265 subpart L, including:
 - a) 40 CFR § 265.261 the owner or operator of a waste pile containing hazardous waste which could be subject to dispersal by wind must cover or otherwise manage the pile so that wind dispersal is controlled. Based on observations made during the state and federal inspections, the pile at the facility has never been managed to control wind dispersal.
 - b) 40 CFR \S 265.254 the owner or operator of a waste pile must install two or more liners and a leachate collection and removal system above and between such liners. The waste

pile at Respondents' facility is unlined and is without a leachate collection system.

- 25. On several occasions, fires have broken out within the waste pile located at Respondents' facility. Emergency response crews were called to extinguish the fires. Substantial quantities of air pollutants were likely emitted from the facility. These emissions may present a substantial hazard to human health or the environment.
- 26. Automobile shredding operators have historically had problems with auto fluff waste catching fire on site resulting in the emission of numerous air pollutants. To gain insight into the types and quantities of these air pollutants released from burning auto fluff piles, a U.S. EPA-funded study was conducted, entitled "Characterization of Emissions from the Simulated Open Burning on Non-Metallic Automobile Shredder Residue". This study simulated the open combustion of fluff and collected and characterized the resulting emissions.
- 27. Samples were collected and analyzed for volatile and semivolatile organics, particulate, and metal aerosols to identify and quantify the types of compounds present in the open combustion process emissions. Compounds found in the highest concentrations in the organic portion of the study include benzene, chlorobenzene, ethylbenzene, toluene, styrene, and xylenes. Of the 11 metal aerosols characterized, cadmium, copper, lead, and zinc were found in significant quantities. The emission characterizations performed indicated that substantial quantities of air pollutants are emitted.
- 28. The hazardous waste constituents identified in paragraphs 14, 15, and 18 of this Section, may have significant negative effects on human health. The administrative record for this order describes in detail the effects of each constituent.

IV. CONCLUSIONS OF LAW

Based upon the foregoing Findings of fact, U.S. EPA has determined that:

1. Midwest Metallics, L.P. is the owner and one of the operators of the facility and S.D. Metals, as the general partner and the entity in control of the Midwest Metallics limited partnership, is also an operator of the facility. Hazardous wastes, as defined by Section 1004(5) of RCRA, are present and have been stored and/or disposed of at this facility.

- 2. Due to the presence of hazardous wastes and the potential releases of such wastes from the facility, the facility may present a substantial hazard to human health or the environment.
- 3. The actions that are required by this Order pursuant to Section 3013 of RCRA are necessary to ascertain the nature and extent of the hazard to human health or the environment.

V. ORDER: WORK TO BE PERFORMED

Based upon the foregoing Findings of Fact, Conclusions of Law, Determinations, and the Administrative Record for the facility, U.S. EPA hereby orders Respondents to perform the following actions.

1. All work undertaken pursuant to this Order shall be performed in a manner consistent with the plans, reports, and schedules approved by U.S. EPA. The Respondents shall perform the following activities, in the manner and by the dates, specified below.

2. Remedial Investigation

- a) No later than thirty (30) days after the effective date of this Order, Respondents shall submit to U.S. EPA a Workplan for a Remedial Investigation (RI). The RI Workplan is subject to U.S. EPA review in accordance with the provisions of Section X of this Order and shall be prepared in accordance with the requirements in Attachment I.
- b) The RI Workplan shall describe in detail the methodology for determining the presence, magnitude, horizontal and vertical extent, nature, direction, and rate of movement of any hazardous wastes or hazardous waste constituents from or to all affected media within and beyond the facility boundary.
- c) The RI Workplan shall conform to the requirements of Attachment I and shall document the procedures Respondents shall use to conduct those investigations necessary to: (1) characterize the auto fluff waste pile to determine what portions of the pile contain hazardous waste within the meaning of Section 3001 of RCRA, 42 U.S.C. §6921;

- (2) characterize the potential pathways of contaminant migration from the auto fluff waste pile; (3) define the degree and horizontal and vertical extent of contamination; and (4) identify actual or potential receptors. A specific schedule for implementation of all activities shall be included in the RI Workplan.
- d) In accordance with the provisions of the Attachment I, the RI Workplan shall include: (1) a Project Management Plan; (2) a Data Collection Quality Assurance Plan; (3) a Data Management Plan; and (4) a Health and Safety Plan.
- e) No later than 160 days following approval of the RI Workplan, unless extended in writing by U.S. EPA, Respondents shall complete the activities described in the Workplan, in a manner consistent with the requirements contained in Attachment I, and submit to U.S. EPA an RI Report. The RI Report is subject to U.S. EPA review in accordance with the provisions of Section X of this Order and shall be performed in a manner consistent with the requirements contained in Attachment I.
- f) During the performance of the RI, it may be necessary to revise the approved RI Workplan to increase or decrease the detail of information collected to accommodate the facility specific situation. If such revisions are made, the schedule for deliverables affected by these revisions may be adjusted by U.S. EPA.

VI. ADDITIONAL WORK

1. U.S. EPA may determine that work, in addition to that detailed in this Order and Attachment I, is necessary to ascertain the nature and extent of the hazard to human health or the environment which is posed by the presence of the autofluff pile at Respondents' facility. If U.S. EPA determines that any such additional work is necessary, it shall notify the Respondents in writing, specifying the basis and reason for U.S. EPA's determination and the additional work deemed necessary. Within fifteen (15) days after receipt of any such notice, the Respondents shall be afforded an opportunity to meet with U.S. EPA to discuss the additional work required by U.S. EPA.

- 2. If Respondents continue to disagree with U.S. EPA's determination that additional work is necessary, Respondents shall specify, in writing, within seven (7) days of any conference held to discuss additional work at the facility, the basis and reasons for their disagreement with U.S. EPA's determination. An administrative record shall be kept of any dispute that additional work is necessary. Upon review of the administrative record, the Director of the Waste, Pesticide and Toxics Division shall determine, in writing, whether the additional work requirements shall be implemented pursuant to U.S. EPA's determination, or whether this initial determination shall be reversed or modified in any way. Such decision shall be incorporated into and become an enforceable element of this Order, but will not be considered final Agency action for purposes of judicial review.
- 3. If the Director of the Waste, Pesticide and Toxics Division determines that additional work is required pursuant to this Order, the Respondents shall submit a workplan for such work determined to be necessary as a result of the dispute resolution process. Respondents shall perform any such additional work, in accordance with the standards, specifications, and schedules deemed necessary and approved by U.S. EPA. All approved additional work performed by the Respondents pursuant to this paragraph shall be performed subject to, and in a manner consistent with, the terms and conditions of this Order. Any requirements for additional work shall be deemed incorporated into this Order as if fully set forth herein.

VII. MINIMUM QUALIFICATIONS FOR PERSONNEL

All work performed by the Respondents pursuant to this Order shall be under the direction and supervision of an individual(s) who has demonstrated expertise in hazardous waste site investigations and remediation. Before any work is performed, Respondents shall notify U.S. EPA in writing of the name, title, and qualifications of the supervisory personnel and contractors or subcontractors and their personnel to be used in carrying out the terms of this Order. In addition, the Respondents shall ensure that when a license is required, only licensed individuals shall be used to perform any work required by this Order.

VIII. PROJECT COORDINATOR/INFORMATION

- 1. Within ten (10) days of the effective date of this Order, U.S. EPA and Respondents shall each designate a Project Coordinator ("PC"). The PCs shall be responsible for overseeing the implementation of this Order. The U.S. EPA PC will be U.S. EPA's designated representative at the facility.
- 2. All communications between Respondents and U.S. EPA, and all documents, reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order, shall be directed to and through the respective PCs. Unless otherwise specified, reports, correspondence, approvals, disapprovals, notices, or other submissions relating to or required under this Order shall be in writing and originals or copies shall be sent to:

2 copies:

Project Coordinator, Midwest Metallics et al. Enforcement and Compliance Assurance Branch, DE-9J United States Environmental Protection Agency 77 W. Jackson Blvd. Chicago, IL 60604-3590

2 copies:

Cliff Gould

Illinois Environmental Protection Agency

1701 First Avenue

Maywood, Illinois 60153

3. Each party shall provide at least five (5) days written notice prior to changing the PC(s) and shall immediately provide written notification once a new PC is selected.

IX. QUALITY ASSURANCE/QUALITY CONTROL

1. Respondents shall follow U.S. EPA guidance for sampling and analysis. Respondents shall develop a Quality Assurance Project Plan (QAPP) for all sampling and analysis conducted under this Order in accordance with the requirements in Attachment II. Work plans shall contain quality assurance/quality control (QA/QC) and chain of custody procedures for all sampling, monitoring, and analytical activities. Any deviations from the QA/QC and chain of custody procedures in approved work plans must be approved by U.S. EPA prior to implementation; must be documented, including reasons for the deviations; and must be reported in the applicable report (e.g., RI Report or Disposal Plan Report).

- 2. The contact person(s), name(s), addresses, and telephone numbers of the analytical laboratories Respondents propose to use must be specified in the applicable work plan(s).
- 3. All work plans required under this Order shall include data quality objectives for each data collection activity to ensure that data of known and appropriate quality are obtained and that data are sufficient to support their intended use(s).
- 4. Respondents shall monitor to ensure that high quality data is obtained by their consultant or contract laboratories. Respondents shall ensure that laboratories used by Respondents for analysis perform such analysis according to the latest approved edition of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846 Third Edition as amended by Update One, July 1992), or other methods deemed satisfactory to U.S. EPA. If methods other than U.S. EPA methods are to be used, Respondents shall specify and submit all such protocols for U.S. EPA approval in the RI work plan. U.S. EPA may reject any data that does not meet the requirements of the approved work plan or U.S. EPA analytical methods and may require resampling and additional analysis.
- 5. Respondents shall ensure that laboratories it uses for analyses participate in a QA/QC program equivalent to that which is followed by U.S. EPA. U.S. EPA may conduct a performance and QA/QC audit of the laboratories chosen by Respondents before, during, or after sample analyses. Upon request by U.S. EPA, Respondents shall have its laboratory perform analyses of samples provided by U.S. EPA to demonstrate laboratory performance. If the audit reveals deficiencies in a laboratory's performance or QA/QC, resampling and additional analysis may be required.

X. U.S. EPA APPROVALS

1. Unless otherwise specified, Respondents shall submit for review by U.S. EPA, any plan, report, specification or schedule submitted pursuant to, or required by this Order. After review of any plan, report or other item, U.S. EPA, after a reasonable opportunity for review and comment by the State, shall: (a) approve, in whole or in part, the submission; (b) approve the submission upon specified conditions; (c) modify the submission to cure the deficiencies; (d) disapprove, in whole or in part, the submission, directing that the Respondents modify the submission; or (e) any combination of the above.

- 2. In the event of approval, approval upon conditions, or modification by U.S. EPA, pursuant to sub-Paragraph X.1.(a),(b), or (c), Respondents shall proceed to take any action required by the plan, report, or other item, as approved or modified by U.S. EPA. Upon receipt of a notice of disapproval pursuant to sub-Paragraph X.1.(d), Respondents shall, within 15 days or such longer time as specified by U.S. EPA in such notice, correct the deficiencies and resubmit the plan, report, or other item for approval.
- 3. Notwithstanding the receipt of a notice of disapproval pursuant to sub-Paragraph X.1.(d), Respondents shall proceed, at the direction of U.S. EPA, to take any action required by any non-deficient portion of the submission.
- 4. All plans, reports, and other items submitted to U.S. EPA under this Order shall, upon approval or modification by U.S. EPA, be enforceable under this Order, as approved or modified. Unless otherwise specified by U.S. EPA, the Respondents shall submit a revised document within thirty (30) days of their receipt of U.S. EPA's written comments and/or required modifications. Any such revised document submitted by the Respondents shall incorporate changes responsive to U.S. EPA's comments and/or suggested modifications.
- 5. Unless otherwise specified, within thirty (30) days of receipt of U.S. EPA's final written approval of any plan, report or other item, the Respondents shall commence the work approved by U.S. EPA, in accordance with the U.S. EPA-approved schedule. Any noncompliance with any such U.S. EPA-approved plan, report, specification, or schedule shall be considered a violation of this Order.
- 6. Prior to Respondents' receipt of U.S. EPA's written approval, no plan, report, specification or schedule shall be construed as finally approved. Verbal advice, suggestions, or comments given by U.S. EPA representatives will not constitute an official approval, nor shall any verbal approval or verbal assurance of approval be considered binding.

XI. ON-SITE AND OFF-SITE ACCESS

1. Until this Order is terminated pursuant to Section XVI, Respondents shall permit U.S. EPA representatives, authorized designees, employees, agents, contractors, subcontractors, or consultants to enter and freely move about the facility for, but not limited to, the following purpose(s):

- a) Interviewing facility personnel, contractors (including subcontractors and independent contractors), or any other entity or individual responsible for implementing any aspect or portion of this Order; inspecting records relating to the facility and this Order;
- b) Conducting sampling, monitoring, or any other such activity related to this Order; using a camera, sound recording, video or any other documentary type equipment; or,
- c) Verifying the reports and data submitted to U.S. EPA by the Respondents.
- 2. Respondents shall retain all documents generated pursuant to this Order for five (5) years.
- 3. The Respondents shall make available to U.S. EPA, or any of the persons named in paragraph 1 of this section that are designated as U.S. EPA's representatives for the purposes of access, for inspection, copying, or photographing, all records, files, photographs, documents, or any other writing, including monitoring and sampling data, that pertain to any work undertaken pursuant to this Order.
- 4. To the extent that work required by this Order must be performed on property not owned or controlled by the Respondents, the Respondents shall use its best efforts to obtain a "Site Access Agreement" to perform such work within thirty (30) days of the date Respondents become aware or should be aware of a need to perform such work. Any such Access Agreement shall provide for reasonable access by U.S. EPA, and any of the persons listed in paragraph 1 of this Section, which are designated as U.S. EPA's representatives for the purposes of access. In the event that a Site Access Agreement is not obtained within the thirty-day period, the Respondents shall notify U.S. EPA, in writing, documenting its best efforts to obtain such agreements. Best efforts, as used in this paragraph, shall include, at a minimum:
 - a) A certified letter from the Respondents to the present owner of such property requesting permission to allow the Respondents, U.S. EPA and any of their designated representative(s) access to such property; and

- b) The property owner's response, if any.
- c) Reasonable compensation or an offer of reasonable compensation by Respondents to property owner in consideration of access.
- 5. Nothing in this Order shall be construed to limit or otherwise affect U.S. EPA's right of access and entry pursuant to any applicable laws and regulations, including RCRA and the Comprehensive Environmental Response Compensation and Liability Act of 1980 "CERCLA", as amended, 42 U.S.C. § 9601 et seq.
- 6. Nothing in this Section shall be construed to limit or otherwise affect the Respondents' liability and obligation to perform environmental response actions, including environmental response actions beyond the facility boundary, notwithstanding the lack of access. U.S. EPA may determine in the future that additional on-site measures must, pursuant to another Order, permit, or plan, be taken to address releases beyond the facility boundary if access to off-site areas cannot be obtained.

XII. AVAILABILITY OF INFORMATION/NOTIFICATION

- 1. Respondents shall give the U.S. EPA PC twenty (20) days advance oral notice of the following activities undertaken pursuant to this Order: all well monitoring activities, including, but not limited to, drilling, installation and testing; and all on-site and off-site field activities, such as installation or removal of equipment, or sampling events, geophysical studies, or soil gas monitoring. At the request of U.S. EPA, Respondents shall provide or allow U.S. EPA or its authorized representatives to take split samples of any or all samples collected by the Respondents pursuant to this Order.
- 2. All data, information, and records created for or maintained by the Respondents pursuant to this Order shall be made available to U.S. EPA upon request. Respondents shall use their best efforts to insure that all employees of the Respondents and all persons, including consultants, contractors and subcontractors who engage in activities under this Order, are made available to, and cooperate with, U.S. EPA if information, whether written or oral, is sought.

XIII. RESERVATION OF RIGHTS

1. U.S. EPA expressly reserves, without limitation, all of its statutory and regulatory powers, authorities, rights,

remedies and defenses, both legal and equitable, including the right to seek injunctive relief, cost recovery, monetary penalties, or punitive damages.

- 2. This Order shall not be construed as a covenant not to sue, or as a release, waiver or limitation of any rights, remedies, defenses, powers and or authorities which U.S. EPA has under RCRA, CERCLA, or any other statutory, regulatory or common law authority of the United States.
- 3. This Order shall not limit or otherwise preclude U.S. EPA from taking any additional legal action against the Respondents should U.S. EPA determine that any such additional legal action is necessary or warranted.
- 4. This Order shall not relieve the Respondents of its obligation to obtain and comply with any federal, state, county or local permit, nor is this Order intended to be, nor shall it be construed to be, a ruling or determination on, or of, any issue related to any federal, state, county, or local permit.
- 5. U.S. EPA reserves the right to perform any portion of the work required by this Order including, but not limited to, any additional site characterization, feasibility study, and/or response deemed necessary to protect human health or the environment.
- 6. Notwithstanding compliance with the terms of this Order, Respondents are not released from liability for the costs of any response actions taken by U.S. EPA. U.S. EPA reserves the right to seek reimbursement from Respondents for any costs incurred by the United States.

XIV. NON-RELEASE OF OTHER CLAIMS AND PARTIES

Nothing in this Order shall constitute, or be construed to constitute, a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation for any liability Respondents may have arising out of, or relating in any way to, the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituent, hazardous substance, hazardous waste, pollutant, or contaminant found at, taken to, taken from, or emanating from the facility.

XV. OTHER APPLICABLE LAWS

Respondents shall undertake all actions required by this Order in accordance with the requirements of all applicable local, state and federal laws and regulations. Respondents shall obtain all permits or approvals necessary to perform the work required by this Order.

XVI. TERMINATION AND SATISFACTION

The provisions of this Order shall be deemed satisfied and the obligations of the Respondents under this Order shall terminate upon Respondents' receipt of a written statement from U.S. EPA that Respondents have completed, to U.S. EPA's satisfaction, all the terms and conditions of this Order, including any additional work which U.S. EPA may determine to be necessary pursuant to this Order. So long as the Respondents are performing work pursuant to, or required by this Order, this Order shall not be deemed terminated or satisfied. At any time after Respondents complete all of the tasks required by this Order, Respondents may request in writing that U.S. EPA provide Respondents with this statement of completion. Within ninety (90) days after any such request by Respondents, U.S. EPA will use its best efforts to provide Respondents with this statement of completion, or a written statement as to the basis for a refusal to provide Respondents with such statement of completion.

XVII. MODIFICATION

- 1. This Order may be amended by U.S. EPA. Such amend-ments shall have as their effective date the date on which they are signed by the Chief of the Enforcement and Compliance Assurance Branch; Waste, Pesticides and Toxics Division, U.S. EPA, Region 5.
- 2. Notwithstanding the above, the U.S. EPA PC and the Respondents may agree to changes in the scheduling of events. Any such changes must be requested in writing by the Respondents and be approved in writing by the U.S. EPA PC.
- 3. No informal advice, guidance, suggestions, or comments by U.S. EPA regarding reports, plans, specifications, schedules, and any other writing submitted by the Respondents will be construed as an amendment or modification to this Order.

XVIII. SEVERABILITY

If a court issues an order that invalidates or stays any provision of this Order, or finds that any or all of the Respondents have sufficient cause not to comply with one or more provisions of this Order, Respondent(s) shall remain bound to comply with all provisions of this Order not affected by the court's order.

XIX. OPPORTUNITY TO CONFER

- 1. As provided in Section 3013(c) of RCRA, 42 U.S.C. § 6934(c), Respondents or their representative(s) have the right to confer with U.S. EPA on the actions required pursuant to this Order. The scheduling of a conference with U.S. EPA does not relieve Respondents of the obligation to submit the RI work plan required under Section V of this Order within thirty (30) calendar days of the issuance of this Order. The opportunity to confer with U.S. EPA may be pursued by Respondents before the initial submission of the RI work plan required under Section V is due. If Respondents have submitted their written Notice of Intent to Comply pursuant to Section XX of this Order, they may also exercise their opportunity to confer with U.S. EPA after they submit, for U.S. EPA approval pursuant to Section X, the RI work plan required under Section V of this Order.
- 2. At any time prior to the initial submittal of the RI Work Plan required under Section V of this Order, Respondents or their representative may also provide information, in writing or in person, to U.S. EPA to show why Respondents should not be subject to this Order, and may provide whatever additional information Respondents believe is relevant to the disposition of this matter. If the information is initially provided verbally to U.S. EPA, it shall be reduced to writing within fourteen (14) days after the meeting or conference in which the information is originally provided.
- 3. Any request for a conference with U.S. EPA, and other questions regarding this Order, should be directed to:

Sherry L. Estes
Office of Regional Counsel, C-14J
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 886-7164

XX. NOTICE OF INTENTION TO COMPLY/ PENALTIES FOR NONCOMPLIANCE

1. Respondents shall notify U.S. EPA in writing within five (5) business days after the effective date of this Order of Respondents' irrevocable intent to comply with this Order. Failure of each Respondent to provide such notification within this time period shall be a violation of this Order. Notice shall be sent to:

Sherry L. Estes
Office of Regional Counsel, C-14J
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 886-7164

2. If Respondents fail to comply with any terms or provisions of this Order which are issued pursuant to the provisions of RCRA § 3013, U.S. EPA reserves the right to commence a subsequent action to require compliance and/or to assess a civil penalty. Pursuant to RCRA § 3013, the Federal Civil Penalties Inflation Adjustment Act, 28 U.S.C. § 2461, and U.S. EPA's implementing regulations published at 61 Fed. Reg. 69360 (December 31, 1996), a court may assess a civil penalty not to exceed \$5,500 per day for each day that Respondents unreasonably fail to comply with any provision of this Order issued pursuant to Section 3013.

XXI. IMMINENT AND SUBSTANTIAL ENDANGERMENT

Notwithstanding any other provision of this Order, enforcement actions may be brought against Respondents, pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973 and/or any other applicable statutory or regulatory authority, should U.S. EPA find that additional measures are necessary to prevent an imminent and substantial endangerment to human health or the environment.

XXII. EFFECTIVE DATE

The effective date of this Order shall be ten (10) days after the date on which the Chief of the Enforcement and Compliance Assurance Branch of the Waste, Pesticides and Toxics Division, U.S. EPA, Region 5, signs this Order.

It is so Ordered:

Joseph M! Boyle, Branch Chief

Enforcement & Compliance Assurance Branch

Waste, Pesticides and Toxics Division

United States Environmental Protection Agency

Region 5

Attachment I

SCOPE OF WORK FOR A REMEDIAL INVESTIGATION

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Official Business



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John Gaitskill U.S. EPA (DE-9J) 77 W. Jackson Blvd. Chicago, IL 60604

P 168 577 397



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Mr. Terance Coogan Midwest Metallics 7955 W. 59th St. Summit, IL 60501

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Terance Coogan Midwest Metallics 7955 W. 59th Street Summit, Illinois 60501

Re: Section 3007 Information Request

Midwest Metallics ILD 054 348 974

Dear Mr. Coogan:

This is in regards to the request for information sent to you by the United States Environmental Protection Agency (U.S. EPA), dated April 1, 1998. The information request directed you to provide information relating to Midwest Metallics' notification of regulated waste activity, within 30 days of receipt of the request. According to the United States Postal Service record, the information request was received at your facility on April 3, 1998. Per the terms of the information request, your response was due to the U.S. EPA on May 3, 1998.

As of today, I have not received a response to the information request.

Failure to respond to the Information Request or adequately justify such failure to respond can result in enforcement action by the U.S. EPA pursuant to 3008 of the Resource Conservation and Recovery Act, with penalties of up to \$25,000 per day of violation.

If you have any questions regarding this matter, please contact me at 312-886-6795. Any written response should be sent to the U.S. EPA, Enforcement and Compliance Assurance Branch (DE-9, Illinois/Indiana Section, 77 W. Jackson Blvd., Chicago, IL 60604.

Sincerely yours,

John Gaitskill
Enforcement and Compliance
Assurance Branch

bcc: Sherry Estes

Section Copy Branch Copy

ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
1806/16/18	†				
AUTHOR/ TYPIST	MINN/OHIO SECTION CHIEF	MICHIGAN/ WISCONSIN SECTION CHIEF	ILLINOIS/ INDIANA SECTION CHIEF	ECAB BRANCH CHIEF	WPTD DIVISION DIRECTOR
St Duras			awfr 15 6/16/95		

DE-9K/JG:be/6/16/98/filename:mmetalli.inf

\$ 3013 RCRA EMEGRACIANT ACTION SIGN-OFF

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PART I	V		ESSEE & DATE OF 3008			TER	4/4)		Comment
PART V		APPE	OVAL							
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NOTE:	At	tach	sign-off sheets to y	ello₩ co	py of the	enforce	ment	acti	on.	

RETURN TO A. PERRY, BREEJ, FOR MAILING.

		W:



OFFICE OF THE ATTORNEY GENERAL

STATE OF ILLINOIS

April 7, 1998

Jim Ryan Attorney general

John Gaitskill U. S. E.P.A. Mail Code DE9J 77 West Jackson Chicago, IL 60604

Re: Midwest Metallics

Dear John:

Enclosed are the inspection reports cited in the Midwest Metallics complaint. I was unable to locate more information on the report dated 12/05/90.

If you have any questions or need more information, please feel free to contact me.

Sincerely.

Frances E. Spahn, Law Clerk Environmental Bureau Assistant Attorney General 100 West Randolph Street, 11th Floor Chicago, IL 60601 (312)814-3369

cc: Alyssa Fron

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

P P564 478 126

REPLY TO THE ATTENTION OF:

APR 01 1998

DE-9J

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Terance Coogan Midwest Metallics 7955 W 59th St Summit, Il 60501

Re: RCRA § 3007 Information Request ILD 054 348 974

Dear Mr. Coogan:

This is a request for information by the United States Environmental Protection Agency (U.S. EPA), pursuant to its authority under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6927. The information requested herein relates to the Notification of Regulated Waste Activity submitted by Midwest Metallics in July 1996.

The information submitted pursuant to this request must be notarized and submitted over the signature of a responsible officer of Midwest Metallics, certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge or belief. The information requested herein must be provided to this office within thirty (30) days of receipt of this letter.

Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory shall notify Region 5. If any answer certified as true is found to be untrue or misleading, the signatory may be prosecuted pursuant to 18 U.S.C. § 1001. The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

Midwest Metallics may, pursuant to 40 CFR § 2.203(a) of the Code of Federal Regulations, assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR §2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent and by the means of the procedures set forth in 40 CFR Part 2, Subpart B. Any request for confidentiality must be made when the information is submitted,

since any information not so identified may be made available to the public without further notice.

If you have any questions regarding this matter, please contact John Gaitskill at (312) 886-6795.

Sincerely yours,

Lorna M. Jereza P.E., Chief

Illinois/Indiana Section

Enforcement and Compliance Assurance Branch

Waste Pesticides and Toxics Division

Enclosure

cc: Gino Bruni, IEPA

bcc: John Gaitskill, DRE-9J

Sherry Estes, C-14J

Section file Branch file

ENFORCEMENT & COMPLIANCE ASSURANCE BRANCH

SECRETARY	SECRETARY	SECRETARY
AUTHOR/ TYPIST	OFFICE OF REGIONAL COUNSEL	Illinois/ Indiana SECTION CHIEF
77 H 12 Mb 298	SE 3/27/98	3/31/198

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

IN THE MATTER OF:

MIDWEST METALLICS	•)	Information Request Pursuant
7955 W 59TH ST)	to Section 3007 of the Resource
SUMMIT, IL 60501)	Conservation and Recovery Act,
·	.)	as amended, 42 U.S.C. § 6927

EPA ID NO.: ILD 054 348 974

This is a request by the United States Environmental Protection Agency (U.S. EPA) issued pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. The issuance of this request requires Midwest Metallics (respondent) to submit information related to the Notification of Regulated Waste Activity submitted to U.S. EPA in July 1996 for its facility at 7955 West 59th Street, Summit, Illinois (facility), and is for the purpose of enforcing the provisions of RCRA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

The U.S. EPA has determined that this information is necessary to ascertain the compliance status of Midwest Metallics with the RCRA regulations.

I. INSTRUCTIONS

This request requires the submittal by Respondent of all information

called for, in as detailed a manner as possible. Where specific information is not available or accessible, an explanation of the method by which each answer is determined must be provided.

The information must be provided notwithstanding its possible characterization as confidential information or trade secrets. Respondent is entitled to assert a claim of confidentiality pursuant to 40 CFR § 2.203(b) for any information produced that, if disclosed to persons other than officers, employees, or duly authorized representatives of the United States, would divulge information entitled to protection as trade secrets. Any information which the Administrator of the U.S. EPA determines to constitute methods, processes or other business information entitled to protection as trade secrets will be maintained as confidential pursuant to the procedures set forth in 40 CFR Part 2, Subpart B. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Any such confidentiality request must specifically indicate which items, documents and/or information are claimed as confidential, and must provide a detailed explanation supporting specifically each indicated item, document and/or information.

The information submitted pursuant to this request must be notarized and returned over the signature of a responsible company officer

certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief using the following statement:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

The information requested herein must be provided to the U.S. EPA within thirty (30) days of receipt of this request. The response to this request shall be sent to the following address:

John Gaitskill
United States Environmental Protection Agency
Enforcement and Compliance Assurance Branch (DE-9J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Should the signatory find at any time after submittal of the requested information that any portion of the submittal certified as true is false or misleading, the signatory should submit corrected information to the U.S. EPA, Region 5 office, within 10 days of discovery. If any information submitted under this information request is found to be untrue or misleading, the signatory may be prosecuted under Section 1001 of Title 18 of the United States Code. The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

II. DEFINITIONS

"Hazardous waste" means a hazardous waste as defined in 40

III. REQUEST FOR ANSWERS TO QUESTIONS AND THE PRODUCTION OF DOCUMENTS

Respondent shall provide all data necessary to answer the following information requests for its facility at 7955 West 59th Street, Summit, Illinois.

- 1. By submittal sign 15 July 1996 (attachment), the U. S. EPA was notified by Midwest Metallics, EPA ID # ILD 054 348 974, of hazardous waste activity at its facility. Verify that all the information on that notification is still valid.
- 2. If the information contained in the notification is still valid, elaborate on the information contained in section VII, pertaining to ownership. The notification indicates CORP as the owner. Provide the address and telephone number of CORP as indicated on the form.
- 3. In Section VIII of the notification, a mark was put in item

 3, "Highway" under the Transporter heading. This indicates
 Respondent is a transporter of hazardous waste, pursuant to

 40 CFR part 263. If that is still valid, provide a copy of
 the shipping manifest required by 40 CFR 263.22 for each
 shipment performed by the facility since 1 July 1997.

4. In section IX, entitled "Description of Regulated Wastes", the notification indicates the U. S. EPA code for the hazardous waste handled by the facility to be D001, ignitable waste. Provide a list of the names of the hazardous wastes with that code handled by the facility.

Issued this	3/5/	day of	March	, 1998.
Lorna M. Jereza, Illinois/Indiana Enforcement and (Waste, Pesticides	Section Compliance Assu	rance Branc	ch	

United States Environmental Protection Agency

Region 5

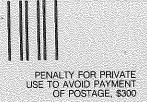
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Please print or type with ELITE type (12 characters per inch) in the unshaded areas only JC | Da**le 1996**ved (For Official Use Only) Notification of Regulated Waster M MANAGEMENT BRANCH resticides & Toxics Division EPA - REGION 5 United States Environmental Protection And I. Installation's EPA ID Number (Mark /X in the appropriate box) A First Natification B. Subsequent Notification (complete Item C) II. Name of Installation (Include company and specific bits hame) Ill. Location of installation (Physical address not P.O. Box or Route Number) Street (continued) City or Town State ZIP Code County Code County Name 0 10 tV. Installation Mailing Address (See Instructions) Street or P.O. Box City or Town State ZIP Code V. Installation Contact (Person to be contacted regarding waste activities at site) Name (last) (ffrst) Job Title Phone Number (area code and number) VI. Installation Contact Address (See Instructions) A. Contact Address B. Street or P.O. Box Location Mailing City or Town State ZIP Code VII. Ownership (See Instructions) A. Name of Installation's Legal Owner OR Street, P.O. Box, or Route Number City or Town State ZIP Code B. Land Type C. Dwner Type D. Change of Owner (Date: Changed) Phone Number (area code and number) Indicator :

		(p) For onicial US CORD
	Mark X In the appropriate boxes. Référio (t	
A. Hazzirdőülő	Waste Activity 3. Treater-Slover, Disposer (al.	B. Used Oil Fuel Activities
a. Greater than 1000kg/mc (2,200 fbs.)	Fristaliation) Note: A permit is recovered for this activity; see manuscritors.	t; Off-Specification Used Off Fuel a. Generator Marketing to Burner
a. Less ther (100 kg/ma (220 km))	a. Generator Marketing to Burner	b. Other Marketer b. Burnett- Indicate device(s) - Type of Combustion Davice
Transporter (indicate Mode in boxes 1) a. For own waste only	D. Boller entilor industrial Furnace	1: Littily Boller
b For commercial purposes Mode of Transportation	j. Smelter Deferral 5.2 Small Duantity Examption	2. Industrial Boiler. 3. Industrial Furnace
	indicate Type of Combustion Device(s) 1 Utility Boiler	2. Specification Used Oil Fuel Marketer (or On-site Burner) Who First
3 Highway 4 Water	2. Industrial Boiler	Claims the Off Meets the Specification
5. Other = specify	5. Underground injection Control	and the second second
IX. Description of Regulated Wastes (U		
wastes your installation handles. (See 40	Wastes. Mark 'X' in the boxes corresponding to the of CFR Parts 261,20 - 261,24) oxicity	characteristics of nonlisted hazardous
1. Ignitable 2. Corrosive 3. Reactive C	haracteristic 2000) (Lhi specific EPA hazardoss wassa numberts) for th	s Todoty characteristic contaminant(s))
B. Listed Hazardous Wastes. (See 40 CFR)	261,31 - 33. See Instructions if you need to list more 3 4	5 6
Dolon III		
	g 10 10 10 10 10 10 10 10 10 10 10 10 10	11 12
C. Other Wastes (State or other wastes reco	ulring a handler to have an I.D. number. See instruct	ons)
1 2	3 4	5 6
X. Certification		under my direction of supervision in
accordance with a system designed a submitted. Based on my inquiry of the p	document and all attachments were prepared to assure that qualified personnel properly person or persons who manage the system, or	gather and evaluate the information those persons directly responsible for
gathering the information, the informa- complete. I am aware that there are sign imprisonment for knowing violations.	ation submitted is, to the best of my knowled in the best of my knowle	edge and belief, true, accurate, and on, including the possibility of fine and
Signature	Name and Official Title (type or print) GENE	1
were fi coogan	TERENCE J. COOGAN COUN	ISEC JULY 15,1996
XI. Comments		
Note: Mall completed form to the constant	504.5	

UNITED STATES POSTAL SERVICE

Official Business





Print your name, address and ZIP Code here

Mr. John Gaitskill U.S. EPA (DE-9J) 77 W. Jackson Blvd. Chicago, IL 60604

10

SENDER: Complete items 1 and/or 2 for additional services. Complete items 3, and 4a & h. Print your name and address on the reverse of this form return this cast to you. Attach this form to the front of the mailpiece, or on the does not permit. Write "Return Receipt Requested" on the mailpiece below a The Return Receipt will show to whom the article was delivered.	2. Conestricted Delivery			
Article Addressed to:	4a. Arti	Consult postmaster for fee. 4a. Article Number		
Mr. Terance Coogan Midwest Metallics 7955 W 59th Street Summit, IL 60501	4b./ Service Type Registered Insured Certified COD Express Mail Return Receipt & Merchandise 7. Date of Delivery			
5. Signature (Addressee) 6. Signature (Agent)	8. Address and for	pasee's Address (Only if requested		



RCRA ENGINEEMENT ACTION SIGN-OFF

3007

PART	I	BACKGROUND							
		FACILITY NAME MIDWEST METALLICS							
		FACILITY LOCATION 7255 West 59th 5t							
		EPA ID NUMBER - IAD 054 348974							
		ASSIGNEES ECAB-SALTSKILL ORC-ESTES							
		NATURE OF VIOLATION 3007 BERVES							
		DATE OF DISCOVERY							
		DATE OF REFERRAL FROM STATE () NOT APPLICABLE							
	ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY:								
		STATE ACTION FILED 1996							
PART	II	RECOMMENDATION							
PART	III	CONCURRENCES ON DRAFT INITIALS DATE AGREE DISAGREE							
	Ġ	1. ECAB ASSIGNEE 2.3 CHIEF, ECAB SECTION 3.2 ASSISTANT REGIONAL COUNSEL							
PART	IV	ADDRESSEE & DATE OF 3008(A)(2) NOTICE LETTER							
PART	V	APPROVAL 1. ECAB ASSIGNEE 2. ECAB SECTION CHIEF 3. ASSISTANT REGIONAL COUNSEL 3. OMORGS 3. ONORGS CARPTO							
		4/ CHIEF, ORC SECTION () () () () () () () () (
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RETURN TO 4 PERM, DE-9 \mathbb{J} FOR MAILING. BENGRAM DE-9 \mathbb{J}

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	E SCHEDULE				
Milestone Event	Responsibility	Date	ECAB Staff Initials	ORC Staff initials	
If there is a need for a Pre-Inspection Information Request (IR) Letter start at milestone #1. If not, go to milestone #4					
1. Attorney Assignment Form	Program	NA	- po	rtol (hicago)
2. Pre-inspection IR Letter sent	Program/ORC	NA			
3. Response due on Pre-Inspection IR	Respondent	NA			
4. Draft Inspection Rept for Rev/Comment no report	Programone fo	2 Dec	77:00	uspec	fron.
5. Comments on Draft Inspection Report	Program/ORC(if MM)				
6. Final Inspection Report	Program				
7. Attorney Assignment form, if necessary	Program	NA			
8. Post-Inspection IR Letter Sent	Program/ORC	mone (elor	ned	
9. Response due on Post-Inspection IR	Respondent	NO	7		
10. Test (e.g., Stack)/Lab results due USEPA Contract underway for Sampling	Respondent/EPA/Stat	may 98	TH		
11. Proposed Finding of Fact & Penalty Calculations to ORC	Program	NAI	novro	laxion	Sound
12. Concurrence on Proposed Finding of Fact and Penalty Calculations	ORC				0
13. Notification: o State o Pre-filing for SBREFA o CSI	Program				Series Series
If non-penalty Administrative Order					7536
14. CCDS and Milestone Forms completed	ORC & Program			<	232
15. Final Order Signed/Issued	Program/ORC				2009
16. CCDS and Milestone Forms submitted to DOCKET Staff for data entry	ORC				66
IF Administrative Penalty Order or Corrective Action Unilateral Administrative Orders				0	6 6
14. Complaint filed w/ Reg. Hearing Clerk	•				
 Transmittal Letter Sent to Respondent, Financial Management, OPA, and ALJ 	Program/ORC				350
16. DOCKET Milestone Form submitted to DOCKET Staff	ORC				223
IF Judicial Referral:				***************************************	72 E
14. Referral Package sent to DOJ	ORC				F 7.57
15. DOCKET Milestone Form submitted to DOCKET Staff	ORC				200

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	E SCHEDULE	T		
Milestone Event	Responsibility	Date	ECAB Staff Initials	ORC Staff initials
If there is a need for a Pre-Inspection Information Request (IR) Letter start at mitestone #1. If not, go to milestone #4				
1. Attorney Assignment Form	Program	NA po	A of Co	ricag
2. Pre-inspection IR Letter sent	Program/ORC	NA		0
3. Response due on Pre-Inspection IR	Respondent			
4. Draft Inspection Rept for Rev/Comment	Program)		
5. Comments on Draft Inspection Report	Program/ORC(if MM)			V + 133-6VL
6. Final Inspection Report	Program	5		
7. Attorney Assignment form, if necessary	Program	NA		-
8. Post-Inspection IR Letter Sent	Program/ORC			
9. Response due on Post-Inspection IR	Respondent	, , , , , , , , , , , , , , , , , , ,		
10. Test (e.g., Stack)/Lab results due AT Keoney Stempling funder contract	Respondent/EPA/Stat e/ Contractor	nov 96	JI	
11. Proposed Finding of Fact & Penalty Calculations to ORC	Program			
12. Concurrence on Proposed Finding of Fact and Penalty Calculations	ORC			
13. Notification: o State CC ASBREFA LTR o Pre-filing for SBREFA o CSI	Program July 97 July 97		ITI	
If non-penalty Administrative Order				
14. CCDS and Milestone Forms completed	ORC & Program			
15. Final Order Signed/Issued	Program/ORC		A.A.D.YUVA	_
16. CCDS and Milestone Forms submitted to DOCKET Staff for data entry	ORC			
IF Administrative Penalty Order or Corrective Action Unilateral Administrative Orders				
14. Complaint filed w/ Reg. Hearing Clerk				
15. Transmittal Letter Sent to Respondent, Financial Management OPA, and ALJ	Program/ORC			
16. DOCKET Milestone Form submitted to DOCKET Staff	ORC			
IF Judicial Referral: Lechnical por	from con be	ready e	nd of YI	1ay 98
14. Referral Package sent to DOJ	ORC (V -
15. DOCKET Milestone Form submitted to DOCKET Staff	ORC			



30 Mord 98

Facility EPA ID# **ECAB CONTACT** ORC CONTACT MODEL CASE SCHEDULF Milestone Event Responsibility Date ECAB ORC Staff Staff Initials initials If there is a need for a Pre-Inspection Information Request (IR) Letter start at milestone #1. If not, go to milestone #4 Jorna: On 30 mor 98, Therry toldine she did not have the case shedull Program Program/ORC Respondent on MN you showedher on 12 Man 98 after the meeting I didn't beef d copy and Program Program/ORC(if MM) Program Program Program/ORC Respondent Respondent/EPA/Stat now96 Contractor 11. Proposed ranging of race & remain, Calculations to ORC Program 12. Concurrence on Proposed Finding of Fact and Penalty ORC Calculations 13. Notification:
o State CCASBREFA LIR
o Pre-filing for SBREFA o CSI If non-penalty Administrative Order 14. CCDS and Milestone Forms completed ORC & Program 15. Final Order Signed/Issued Program/ORC 16. CCDS and Milestone Forms submitted to DOCKET Staff for data entry IF Administrative Penalty Order or Corrective Action Unilateral Administrative Orders 14. Complaint filed w/ Reg. Hearing Clerk 15. Transmittal Letter Sent to Respondent, Financial Management, Program/ORC 16. DOCKET Milestone Form submitted to DOCKET Staff ORC ready end of May 98 Lechnical IF Judicial Referral: portion con 14. Referral Package sent to DOJ ORC 15. DOCKET Milestone Form submitted to DOCKET Staff ORC

(217)782-5544 (TDD: 217-782-9143)

September 4, 1997

Joseph M. Boyle, Chief Enforcement and Compliance Assurance Branch United States Environmental Protection Agency Region 5 77 West Jackson Boulevard DRE-8J Chicago, Illinois 60604-3590

Re:

Midwest Metallics, L.P. 7955 West 59th Street Summit, Illinois

ILI3 054 348 974

Dear Mr. Boyle:

Thank you for your July 9, 1997 letter to Mr. Child in which you expressed the concerns of the United States Environmental Protection Agency ("U.S. EPA") regarding the Midwest Metallics site in Summit. I sent a copy of your letter to Assistant Counsel Peter Orlinsky at our Maywood office for further action. Mr. Orlinsky is the attorney assigned to support the enforcement litigation by the Illinois Attorney General against Midwest Metallics. Mr. Orlinsky will work with the Attorney General to include the U.S. EPA concerns in the resolution of the current enforcement case.

If you have any further questions, or if you need further information, please contact me, or you can contact Peter Orlinsky at (708)338-7890.

Sincerely,

William D. Ingersoll Associate Counsel

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Company

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DRE-8J

Mr. Russell R. Eggert Mayer, Brown & Platt 190 South La Salle Street Chicago, Illinois 60603-3441

Re: Midwest Metallics, L.P. 7955 West 59th Street Summit, Illinois ILD 054 348 974

Dear Mr. Eggert:

This letter is to notify you that the United States Environmental Protection Agency (U.S. EPA) is prepared to bring a civil administrative or judicial enforcement proceeding against Midwest Metallics, L.P. for violations of the Resource Conservation and Recovery Act (RCRA) if the settlement negotiations with the State of Illinois do not produce an agreement in an expedited manner. The complaint would allege that Midwest Metallics has violated Section 3005(a) of RCRA in that Midwest Metallics owns and operates a treatment, storage and/or disposal facility without a hazardous waste permit. The complaint would seek civil penalties for these violations.

Before filing the complaint, however, we are extending to you the opportunity to advise the U.S. EPA of any factors you believe that the U.S. EPA should consider before issuing the civil complaint. Relevant factors might include any evidence of reliance upon on-site compliance assistance provided by U.S. EPA or the State agencies exercising delegated authority, misidentification of the proper party, or financial factors bearing on your ability to pay a civil penalty. If you believe that there are financial factors which bear on your ability to pay a civil penalty, please complete the attached questionnaire and provide the requested documents for the past five years.

Please note that U.S. EPA may consider and use information provided by you in a civil or criminal proceeding related to this matter. All information provided by you will also be provided to the State of Illinois .

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It is our intention to file the civil administrative complaint on or around September 1, 1997, if no consent decree is entered by the State and Midwest Metallics before this date. Please submit your response to this office within fifteen (15) business days of receipt of this letter. Midwest Metallics should direct its response to Michael Ribordy, 77 West Jackson Boulevard (DRE-8J), Chicago, Illinois 60604. Thank you for your prompt attention to this matter.

Sincerely yours,

Joseph M. Boyle, Chief Enforcement and Compliance Assurance Branch

Attachment

cc: Terrence J. Coogan, Midwest Metallics (w/attachment)
William C. Child, Illinois EPA (w/attachment)
RoseMarie Cazeau, IAGO (w/attachment)

bcc: Sherry Estes, ORC (w/attachment)
 Branch File
 Section File
 Compliance File (w/attachment)

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Information Request

Section I.

- 1. List every corporation, partnership (including limited partnerships) and sole proprietorship in which the principals of Midwest Metallics hold an ownership interest or exercise management responsibility. Identify the legal form of each business.
- 2. For each business entity listed in the response to question #1, above, provide the following:
 - a) the legal name of the entity;
 - b) the current address and telephone number of the business entity;
 - c) specify the business activity;
 - d) specify the total capitalization and the percentage of each principal's ownership interest in the business;
 - e) the title of any position each principal now holds with the business and the date that the principal assumed this position. Briefly describe the principal's responsibilities and activities in each position;
- 3. For each business that is listed in response to question #1 of this Section, identify any and all person(s) related to the principals of Midwest Metallics by birth, or by marriage, who holds an ownership interest in that business or is employed by that business. For each person identified, provide the following information:
 - a) specify the individual's name and his/her relationship to the principal and provide the individual's current address and telephone number;
 - b) specify the individual's ownership interest as a percentage of capitalization;
 - c) specify the job title and period of incumbency.

Section II.

1. For each business entity listed in your response to Question #1, Section I, and that a Midwest Metallics principal and his or

her family members, related to by birth or by marriage, own a combined majority interest in, provide:

- a) for the last five tax years, federal income tax returns and all supporting schedules;
- b) for the last five tax years, complete independent auditors' reports and all notes thereto;
- c) for the last five years, internal financial statements such as the balance sheets, income statements, and source and application of funds or cash flow statements with any comments attached;
- d) for the last five years, list every tangible asset and, detailed asset by asset, its corresponding accumulated depreciation schedule or amortization of intangibles relating to those assets;
- e) for the last five years, list the names, addresses, and account numbers of all financial institutions, including banks, savings and loans, credit unions, brokerage houses, stock funds, mutual fund companies, investment companies, and bonding companies with which the entity has had an account. For each account, list the type of asset and the current value of the asset;
- f) for the last five years, submit a detailed schedule of bank loans payable and other loans payable. For each loan listed, provide the original amount borrowed, terms of the loan, due date, amortization schedule, any restriction, balance now due, and the financing statements submitted with the original loan application;
- g) copies of all loan applications and financing statements filed in support of any lien placed on equipment or property during the last five years;
- h) a copy of the corporate charter and the articles of incorporation, if any, or any partnership agreement;
- for the last five years, a copy of all annual reports prepared and submitted to any state and/or federal government and/or regulatory authority;
- j) state the names, addresses and social security number of all shareholders, number of shares owned by each, percentage of ownership, value of shares;

- k) complete, sign and return the Tax Information
 Authorization (Form 8821) with the response to this
 Information Request. In Item 3, enter the Tax Form
 Number of the income tax return that you filed and
 identify the last five years that you filed these
 returns;
- a detailed, complete chart of accounts (index to financial records).

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2200 Churchill Road, Springfield, Illinois 62794-9276

Mary A. Gade, Director

(217)782-5544 (TDD: 217-782-9143)

September 4, 1997

Joseph M. Boyle, Chief Enforcement and Compliance Assurance Branch United States Environmental Protection Agency Region 5 77 West Jackson Boulevard DRE-8J Chicago, Illinois 60604-3590

Re:

Midwest Metallics, L.P. 7955 West 59th Street Summit, Illinois ILD 054 348 974

Dear Mr. Boyle:

Thank you for your July 9, 1997 letter to Mr. Child in which you expressed the concerns of the United States Environmental Protection Agency ("U.S. EPA") regarding the Midwest Metallics site in Summit. I sent a copy of your letter to Assistant Counsel Peter Orlinsky at our Maywood office for further action. Mr. Orlinsky is the attorney assigned to support the enforcement litigation by the Illinois Attorney General against Midwest Metallics. Mr. Orlinsky will work with the Attorney General to include the U.S. EPA concerns in the resolution of the current enforcement case.

If you have any further questions, or if you need further information, please contact me, or you can contact Peter Orlinsky at (708)338-7890.

Sincerely,

William D. Ingersoll Associate Counsel

Bill Ingersoll

PROPOSED AGENDA Meeting with Midwest Metallics April 10, 1997

- I Introductions and Explanation of Enforcement Committee's role
- II. Overview of RCRA, air and water violations at Summit facility
- III. Brief discussion of evidence linking Midwest Metallics to 76th and Albany site and progress of current state and city litigation at this site
- IV. Discussion of possible global settlement(s) in context of on-going City and State actions
- V. Nature of enforceable schedule for immediate and long-term injunctive relief.
- VI. Actions that EPA likely will take as a result of this meeting.



Midwest Metallics 4/10/97

Name Organization Phone Fax (312) 886-0747 Sherry Estes - EPA-ORC (312) 886-7164 Kosembile Careau 312 814-3094 (217) 782 -9807 RICH BULGER / IEPA (DIE) 524-6715 PETER E. ORLINSKY / IEPA 108/338-7890 708/338-7930 312/886-7184 William Rycretc 312 886-4592 (512) 353-4788 Mike Ribordy LORNA M. Jereza _ EPA-WPTD/ECAB 312-353-5-110 (312) 814 -2347 MARY ROSE SILVA/ IAGO 312/814-5282 312/8/4-3774 32/814-3774 ALYSSA FRON IAGO Brent Marable/USER 32/886-6812 Ken Zolnienzyk (312)353-4842 (3/2)353-9687 Jeff Q Hamis 312-368-8330 3/2-580-2600 312-701-7711 Russell Eggert 312 - 701 - 7350 615-373-1572 615-370-9282 W. L. Baumgar Ther, JR. Mi chad & dum 312-580-2068 312-530-0923 Mort Amos / Corp. Coursel 312-744-6904
GARY PERIMAN/SUMMIT. 312/236.3985
TERENCE J. COOGAN/METALLIES 708/594-7171 312-744-6798 312/236-3989. 708/594-2097 WILLIAM GAMLIN/MIDUEST Mike Rib

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

March 28, 1997

CERTIFIED MAIL

TO: See attached address list

Re: Midwest Metallics facility Summit, Illinois

Dear Sirs:

On November 26, 1996, representatives from the United States Environmental Protection Agency (U.S. EPA), the Illinois Environmental Protection Agency (Illinois EPA), the Cook County Department of Environment and the Metropolitan Water Reclamation District inspected the Midwest Metallics facility located in Summit, Illinois. As part of that inspection, eight samples were taken of the large waste pile present at the facility, which were tested for toxicity, using the Toxicity Characteristic Leaching Procedure (TCLP). The results of this testing, set forth in the attached enclosure, show that seven of the eight samples tested above the regulatory limit of 5000 parts per billion for lead. These results show that the waste pile of auto fluff located at the Summit facility is regulated under RCRA. However, since Midwest Metallics has neither sought nor obtained a RCRA permit for this material, the company is operating an illegal treatment, storage or disposal (TSD) facility at its Summit location. Additionally, the large waste pile (estimated by Illinois EPA to contain approximately 300,000 cubic yards of auto fluff) was uncontainerized and stored directly on the ground. Since the contaminants in the waste pile exceeed RCRA regulatory limits, Midwest Metallics' continued placement of wastes into that pile violates the land disposal restrictions set forth at 40 C.F.R. Part 268 and 35 IlAdminCode Part 728.

Operating a RCRA TSD without a permit and placing hazardous waste on the land in violation of the land disposal restrictions are extremely serious violations of federal and state regulations. In addition, during the November 26th inspection, the company's failure to obtain air permits for the Bivitich and Eddy Current System (violations of federal and state regulations, and Cook County Environmental Control Ordinance 5.2-1), and the failure to have a revised storm water pollution prevention plan, as required by the facility's Illinois EPA storm water permit, were also noted. U.S. EPA is aware of the on-going litigation brought by the State of Illinois against Midwest Metallics for solid waste and surface water discharge violations, and for the creation of a nuisance. We also are aware that the company faces lawuits filed by the State and

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the City of Chicago, with regard to its disposal of waste at the site located at 76th and Albany in Chicago.

U.S. EPA's goal is to obtain expedited injunctive relief at both sites, as well as the company's continued compliance with the 1996 CERCLA Administrative Consent Order for the H & H Landfill in Gary, Indiana. The City of Chicago particularly wants to obtain an expedited clean-up of the 76th and Albany site, as that site is a candidate for re-use. We would like to discuss with you the possibility of combining this injunctive relief in a comprehensive consent decree, to be entered in the on-going State solid waste action involving the Summit facility, which would contain enforceable timetables. We think that such an approach might offer clear benefits to Midwest Metallics and allow it to avoid litigation brought by several layers of government.

Accordingly, we would like to discuss these matters with you in a meeting, to be held on April 10, 1997, at 10:00 a.m. at the Office of Regional Counsel (ORC), Region V, U.S. EPA, 200 West Adams, in the Lakes and Streams conference room. (Meeting participants should procede to the ORC reception area on the 29th floor). Present will be representatives of U.S. EPA, Illinois EPA, the Illinois Attorney General's Office, the Cook County State's Attorney and the City of Chicago. We hope that at this meeting we can make substantial progress in negotiating expedited injunctive relief for all of the sites discussed in this letter where Midwest Metallics has disposed of its auto fluff waste.

If serious negotiations toward settlement do not occur at this meeting, U.S. EPA is prepared to seek administrative or judicial enforcement against the RCRA and other violations identified in the November 26th inspection. In such an enforcement action, for the RCRA violations alone, U.S. EPA would seek a substantial penalty. Serious efforts toward expedited injunctive relief at these sites could result in substantial mitigation of the penalty that U.S. EPA would otherwise seek.

You may contact me at (312) 886-7164 if you have any questions regarding this letter or the April 10th meeting.

Sincerely,

Sherry L. Estes

Assistant Regional Counsel

Showy L. Toles

cc: Greater Chicago Enforcement Subcommittee



SERVICE LIST

People v. Midwest Metallics, et al.

Russell Eggert, Esq. Thomas W. Dimond, Esq. Mayer Brown & Platt 190 South LaSalle Street Chicago, Illinois 60603

Teresa F. Frisbie, Esq. Foran & Shultz 30 North LaSalle Street Suite 3000 Chicago, Illinois 60602

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WILLIAM STATE OF THE STATE OF T	Table 1: TCLP	Metal Analytical Da	LP Metal Analytical Data Summary (Page 1 of 2)) ,	
A.T. Keitney Sample Number	Sell	285	283	SSS .	æ
Remarks				duplicate of SO3	
Matrix	Asse	waste	wiste	Weste	ayswa
TCLP Metals	1/Zn		l/In	B	l⁄an
Artenic	14.413	14.4 G	14.4U		14.4 U
Вили	1810	0561	996	1250	940
Cadmiun	535	204	752	698	194
Chomiun	1.8 U	4.01	U8.1	1.84 []	5'6
Lead	4230	5470	12500	22400	12200
Mercury	0.1.0	0.1 U	0.1 U	01.0	0.1 U
Selenium	n 6°C	3.9 U	3.9 U	n 6°E	3.9 U
Silver	2.5 U	2.5 U	2.5 U	25 U	2,5 U

The Seller

Table 1: TCLP Metal Analytical Data Summary (Page 2 of 2)

		IVECTOR CHICALITYCE LONG	Halle 1: 1 Las Ivicial Alicalytical Police Summer 3 to 450 a St.	2	
A.f. Kearney Sample Number	S0S	306	507	808	EB-1
Renarks					
Matrix	waste	waste	weste	waste	waste
TCLP Metals	l/Sn	ng./	l/ân	l/Bn	l/gn
Anenic	14.4 U	14.4 U	14.4 U	14.4 U	0.16.0
Barium	668	1150	878	1330	0.8 U
Cadmium	384	470	824	614	0.09 U
Chromium	12.1	15.3	5.51	1.8 U	5.4
Lead	11200	00961	34800	68500	1,49 U
Матешу	0.1 U	0.13	0.16	0.1 U	V V
Selenium	10.8 U	44.7	3.5 U	3.9 U	3.39 U
Silver	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

unty: Cook	LPC#: 0316000103	Region: 2
Location/Site Name: Chicago Shredo	ling, Division of Midwest Metallics L.P.	
Date: November 16, 1995	Time: From <u>09:30am</u> To <u>10:350am</u>	Previous Inspection Date: 08/28/95
Inspector(s): Gino Bruni	Weather: 45 degrees	, Cloudy
No. of Photos Taken: #16	Samples Taken: Yes	s # No <u>X</u>
Interviewed: Dennis Bloom	Complaint #:	
Send Inspection Report to: Terence Cooga 7955 W. 59th Argo, Illinois 6	Street 12901	S. Stony Island Ave. p, Illinois 60633

	SECTION	DESCRIPTION	VIOL.
	I LLII	NOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS	
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	х
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	x
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSA OPERATION:	AL.
	(1)	Without a Permit	
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	х
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	I RESULTS
	(1)	Litter	х
	(2)	Scavenging	
	(3)	Open Burning	
	(4)	Deposition of Waste in Standing or Flowing Waters	

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Chicago SHREDDING, Division of MIDWEST METAllice L.P. LPC#: 0316000103
Inspection Date: 11/16/95

	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	Х
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
		35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G	
10.	807.201 & 807.202	CAUSING OR ALLOWING THE DEVELOPMENT AND/OR OPERATION OF A SOLID WASTE MANAGEMENT SITE WITHOUT A PERMIT ISSUED BY THE AGENCY	
1 1 .	722.111	HAZARDOUS WASTE DETERMINATION	х
12.	808.121	SPECIAL WASTE DETERMINATION	Х
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE HAULER WITHOUT A WASTE HAULING PERMIT AND/OR MANIFEST	
		OTHER REQUIREMENTS	
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER: 815.201	Failed to file an initial facility report to provide information concerning location and disposal practices of the facility.	×
	815.202(a)	Failed to file the initial report in a timely manner, as specified in that Section.	×
	815.203(b)	Failed to submit required information.	Х
	815.301	Failed to provide an annual report with the Agency.	×
	815.401	Failed to submit quarterly groundwater monitoring report.	Х

Informational Notes

- 1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- 2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers.
- 4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
- 5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
- 6. Items marked with an "NE" were not evaluated at the time of this inspection.
- 7. Statutory effective date: through 1/10/95.
- 8. Regulatory effective date: through 7/21/94.

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0316000103 - Cook County Chicago Shredding, Division of Midwest Metallics L.P. November 16, 1995

NARRATIVE Prepared by Gino Bruni

On November 16, 1995 I conducted an inspection at the subject site. I met with Dennis Bloom (Chicago Shredding). The purpose of this inspection was to identify the alleged waste piles of sediment, and to determine if the wood and one crushed drum have been removed to a permitted landfill. This inspection was agreed to by Terry Coogan (Midwest Metallics) during a November 8, 1995 pre-enforcement conference.

WOOD, TIRES, AND A CRUSHED STEEL DRUM

The tires were shredded on-site. The wood and the crushed drum were removed to a landfill. Bloom did not know the landfill which accepted the wastes. A landfill receipt was not provided.

WASTE PILES OF SEDIMENT

The waste piles of sediment which were observed during the August 28, 1995 inspection were combined into one pile. Bloom indicated the piles do not contain waste. Chicago Shredding purchases the following materials which are alleged to be waste sediments: beach iron, turnings, grindings, borings, and steel pit. Bloom indicated they have analysis of each material. Bloom could not provide me with the analysis, suppliers or customers of the alleged wastes.

I spoke to Terry Coogan (Midwest Metallics) on numerous occasions requesting the landfill receipt for the wood and crushed drum, and the analysis for the alleged waste sediments. I have not received any of the requested information.

At the time of the inspection the violation of Section 55(a) of the Act was resolved.

The following violations remain outstanding:

1)	12(a) of the Act	7)	815.201
2)	21(a) of the Act	8)	815.202(a)
3)	21(d)(2) of the Act	9)	815.203(b)
4)	21(p)(1) of the Act	10)	815.301
5)	722.111	11)	815.401
6)	808.121		

**			

Illinois Environmental Protection Agency Photographs

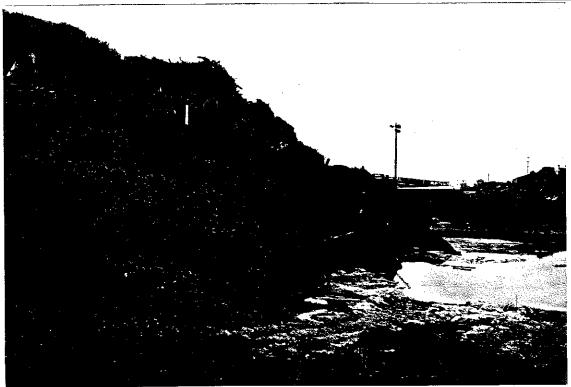
Site Name: Chicago Shredding, Div. of Midwest Metallics IEPA#: 03160000103

Date: November 16, 1995 Time: 09:30A-10:30A Photograph By: G. Bruni



Comments: Beach iron, turnings, grindings, borings, and steel pit.

_Roll #:<u>96-227</u> Photo#:<u>1</u>



Comments: Same as above.

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Mary A. Gade, Director

1701 First Avenue, Maywood, IL 60153

708/338-7900

November 8, 1995

Midwest Metallics L.P. Attn: Terence Coogan 7955 W. 59th Street Argo, Illinois 60501

Pre-Enforcement Conference Follow-up Letter

Re: 0316000103 -- Cook County

Chicago Shredding, Division of Midwest Metallics L.P.

Compliance File

Dear Mr. Coogan:

On November 8, 1995 a Pre-Enforcement Conference (PEC) was held at the Agency's Maywood Region office. This conference was held pursuant to the apparent violation(s) previously identified by the Agency in the Pre-Enforcement Conference Letter dated October 13, 1995, the purpose of this conference was 1) to discuss the validity of the apparent violation(s) noted by Agency staff, and 2) to arrive at a program to eliminate existing and/or future violation(s).

At the PEC, you agreed to take the following steps toward achieving compliance with the identified violation(s):

Sections 12(a), 21(a),
 21(d), and 21(p)
 of the Act

The wood and one crushed drum dumped on-site will be sent to an Agency permitted landfill by the end of November, 1995. A landfill receipt will be required to demonstrate that the material was hauled to a permitted site. Midwest Metallics will notify the Agency when the above tasks have been completed.

Chicago Shredding November 8, 1995 Page 2

Gino Bruni of the Agency will visit the site during the week of November 13, 1995, to identify the alleged waste piles of sediment to one of the following Midwest Metallics representatives: Terence Coogan or Dennis Bloom. By the end of November, 1995, Midwest Metallics will submit a proposal to the Agency regarding the removal of the waste piles. The proposal will contain a time schedule for the removal of the waste piles.

A follow-up inspection will be conducted to demonstrate compliance with the above.

- 2) Section 55(a)(1) of the Act
- The tires that were dumped on-site will be shredded on site by the end of November, 1995.
- 3) Section 722.111
- Submit a hazardous waste determination to the Agency for the fines, and sediments by February 6, 1995.
- 4) Section 808.121
- Submit a special waste determination to the Agency for the fines, and sediments by February 6, 1995.
- 5) Sections 815.201, 815.202(a), 815.203(b), 815.301, and 815.401,

Contact the Agency's Disposal Alternatives Unit by November 15, 1995, and request a solid waste determination regarding the wastepile of fines located near the southeast corner of the site. Contact Gino Bruni of the Agency by November 15, 1995, with a time schedule when the application will be sent to the Disposal Alternatives Unit. Midwest Metallics will notify the Agency by February 6, 1996, on how the fines will be managed.

You have 10 days from the date of this letter to send a written statement to the Agency confirming your intention to take the steps identified above. If the Agency does not receive this written statement within 10 days the Agency will proceed with formal enforcement. The Agency looks forward to working with you toward the resolution of the identified violations.

Chicago Shredding November 8, 1995 Page 3

Your written response and one copy of all documents submitted in response to this letter should be sent to:

Deanne Virgin
Planning and Reporting Section
Division of Land Pollution Control #24
Illinois Environmental Protection Agency
2200 Churchill Road, P.O. Box 19276
Springfield, Illinois 62794-9276

with a copy to:

Gino Bruni, DLPC Illinois Environmental Protection Agency 1701 South First Avenue - Suite 600 Maywood, IL 60153

Please note, although you may return to compliance for these apparent violations, the Agency reserves the right to file an enforcement action based on the alleged violations of the Act and/or the Regulations that were the subject of this preenforcement conference regardless of your current or future compliance with the Act and/or Regulations.

Should you have any questions concerning this letter or need further assistance, contact Gino Bruni at 708/338-7900.

Sincerely,

Clifford Gould

Maywood Region Manager

Division of Land Pollution Control

CG:CG:dfa:Chicshr.pec

cc: Division File

Maywood Region Deanne Virgin Rich Bulger

STATE OF ILLINOIS

ENVIRONMENTAL PROTECTION AGENCY

SUBJECT:

Pre-Enforcement Conference

FACILITY:

CHICAGO SHREDDING

Date <u>11-09-95</u>

Attendees:	+		
NAME - (Please Print)	Title/Position	Facility/Firm Name	Phone No.
1. GINO BRUNI	EPS	IEPA	7081 338-790C
2. Zich Rulger	Assistant Consell	IEPA.	217/
3. TERRY COOGAN	GENERAL COUNSEL	MIDWEST METALLICS	708/ 594-7171
4.Cliff Gould	Reg. Mgr	TEPA	708/ 338-7900
5.			
6.			
7.			
8.			
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10.			
11.			
12.	•		
13.			
14.		ATTACA CONTRACTOR OF THE PARTY	

Mary A. Gade, Director

1701 First Avenue, Maywood, IL 60153

DATE:

October 12, 1995

TO:

Division File

FROM:

Gino Bruni, BOL/Maywood - FOS

SUBJECT:

0310065018 - Cook County Argo/Midwest Metallics L.P.

Compliance File

MANIFEST SEARCH

Beginning Search Date: 01/01/90 Ending Search Date: 09/30/95

GENERATOR:

Midwest Metallics L.P.

SITE:

Livingston Landfill

PERMIT #:

942064 Start: 07/18/94 Expire: 07/18/99

WASTE ID:

Auto fluff

One record was recorded during the manifest search: 46,744 cubic yards of auto fluff was shipped during calendar year 1994. Records for 1995 have not presently been logged into the data base. During the Agency's August 28, 1995 inspection, information provided by Midwest Metallics indicated 52,567.45 gross tons of auto fluff was shipped to County Landfill (presently known as Livingston Landfill) from January 1, 1995 to August 7, 1995.

GENERATOR:

Midwest Metallics L.P.

SITE:

CID Recycling & Disposal Facility

PERMIT #:

900109 Start: 02/22/90 Expire: 02/22/95

WASTE ID:

Auto Fluff

Two records were recorded during the manifest search: 32,735 cubic yards of auto fluff was shipped during calendar year 1993. 65,917 cubic yards of auto fluff was shipped during calendar year 1994. Records for 1995 have not presently been logged into the data base. Midwest Metallics informed me that CID stopped accepting auto fluff because of the heterogeneous nature of the waste. Samples of auto fluff taken by CID occasionally indicated levels of leachable lead above the regulatory standard of 5ppm.

GENERATOR: Midwest Metallics L.P.

SITE: Beecher Development

PERMIT #: 850506 Start: 05/29/85 Expire: 05/29/90

WASTE ID: Fluff Grit Mix

No records were recorded during the manifest search.

GENERATOR: Midwest Metallics L.P.

SITE: Beecher Development

PERMIT #: 850505 Start: 05/29/85 Expire: 05/29/90

WASTE ID: Auto Fluff

No records were recorded during the manifest search.

GENERATOR: Midwest Metallics L.P.

SITE: Beecher Development

PERMIT #: 850504 Start: 05/29/85 Expire: 05/29/90

WASTE ID: Grit & Sediment

No records were recorded during the manifest search.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

unty: Cook	LPC#: <u>0</u>	310065018		Region: 2
Location/Site Name: Argo, M	Aidwest Metallics L.P.			
Date: August 29, 1995	Time:	From <u>12:45pm</u>	To <u>02:00 pm</u>	Previous Inspection Date: 12/02/94
Inspector(s): Gino Bruni		Wea	ather: <u>95 degrees,</u>	Cloudy.
No. of Photos Taken: # 14	-	San	nples Taken: Yes	* # No X
Interviewed: Ken Archer		Cor	nplaint #:	
Send Inspection Report to:	Midwest Metallics L.P. 7955 W. 59th Street Argo, Illinois 60501			

	SECTION	DESCRIPTION	VIOL.
	ILLIN	IOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS	
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	Х
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSA OPERATION:	1
	(1)	Without a Permit	
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	I RESULT
	(1)	Litter	
	(2)	Scavenging	
	(3)	Over Burning	
	(4)	Deposition of Webte in Standing or Flowing Waters	
-/Anv	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	

Inspection Date:

9.	55(a)	NO PERSON SHALL:	<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	·
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
		35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G	
10.	807.201 & 807.202	CAUSING OR ALLOWING THE DEVELOPMENT AND/OR OPERATION OF A SOLID WASTE MANAGEMENT SITE WITHOUT A PERMIT ISSUED BY THE AGENCY	***************************************
11.	722.111	HAZARDOUS WASTE DETERMINATION	<u></u>
12.	808.121	SPECIAL WASTE DETERMINATION	
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE HAULER WITHOUT A WASTE HAULING PERMIT AND/OR MANIFEST	
		OTHER REQUIREMENTS	
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER: 815.201	Failed to file an initial facility report to provide information concerning location and disposal practices of the facility.	X
······································	815.202	Failed to file the initial report in a timely manner, as specified in that Section.	Х
-	815.203	Failed to submit required information.	X
	815.204	Failed to submit initial reports signed by a duly authorized agent, including the agent's name, address and telephone number and evidence of the agent's authority to sign.	Х
	815.301	Failed to provide an annual report with the Agency.	X
	815.303	Failed to submit required information in the annual report.	х

LPC#:

inspection Date:

15	<u>OTHER:</u> 815.401	Failed to submit quarterly groundwater monitoring report.	X
	<u>815.501</u>	Failed to retain for Agency inspection the information required to be maintained in Subpart E of Part 815.	<u>x</u>
	815.502	Failed to retain acceptance reports prior to placing a structure into use.	X

Signature of Inspector(s)

Informational Notes

- 1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- 2. Illinois Pollution Control Board: 35 III. Adm. Code, Subtitle G.
- 3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers.
- 4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
- 5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
- 6. Items marked with an "NE" were not evaluated at the time of this inspection.
- 7. Statutory effective date: through 1/10/95.
- 8. Regulatory effective date: through 7/21/94.

NARRATIVE Prepared by Gino Bruni

On August 28 and 29, 1995, I conducted an open dump inspection at Midwest Metallics L.P. The inspection was requested by Rich Bulger (Legal Counsel). On August 28, 1995, the following individuals were present: Terence Coogan and Wanda Klein from Midwest Metallics, Rich Bulger and myself from the IEPA. On August 29, 1995, I met with Ken Archer from Midwest Metallics.

Midwest Metallics started processing auto shredder residue in their eddy current system, sometime in September 1994. The eddy current system replaced the rising current system. The auto shredder residue is generated by shredding automobiles and white goods Large magnets within the utilizing one hammermill shredder. shredder removes the ferrous metal from the residue. The ferrous metal is sold as a product. The remaining residue is processed in the eddy current system, where further separation of the ferrous and non-ferrous metal takes place. The residue may have to be processed two or more times. The final stage of processing is the heavy separation process where the small amount of remaining auto fluff is separated from the non-ferrous metals. The non-ferrous metals (aluminum, zinc, copper, brass, and stainless steel) are sold as a product. The company also receives auto shredder residue for processing from Chicago Shredding, Division of Midwest Metallics L.P., 12901 S. Stony Island, Chicago IL. 60633.

The following piles of materials were observed on-site:

- 1) First run eddy current system residue, accumulated in a concrete lined bay (see photo #1). The majority of this material consists of non-ferrous metals. This material is reprocessed thru the eddy current system.
- 2) Second run eddy current system residue, accumulated in a concrete lined bay (see photo #2). The majority of this material consists of non-ferrous metals. This material is sent thru the final separation which is called the heavy separation process, where the second run material is put into a tank containing water and ferrous silicon; the light materials float to the top, the heavy non-ferrous materials sink to the bottom. The light materials include aluminum and small amounts of auto fluff. The auto fluff is shipped to County Landfill. The heavy non-ferrous metals are sold as a product.
- 3) Fines (5/8 inch screened material) from the eddy current system, accumulated in a concrete lined bay (see photo #3). This material is shipped to County Landfill.
- 4) Auto fluff from the eddy current system accumulated in a concrete lined bay (see photo #4). This material is shipped to County Landfill.

- 5) Fines from the eddy current system (one inch screened material), located behind the eddy current system building (see photo:#5). Approximately 10,000 tons. This material is going to be reprocessed thru the eddy current system.
- 6) Ferrous metal and auto shredder residue from the eddy current system, located behind the eddy current system building (see photo #6).
- 7) Auto fluff waste pile "landfill" (named as Mt. Pielet by Midwest Metallics) which has been on-site more than one year(see photo #8). The pile contains approximately 700,000 cubic yards of auto fluff. Midwest Metallics is proposing to reprocess this material. The estimated time to reprocess the material would be between three to four years. The estimated time was based on an eddy current system operating 20 hours a day, six days a week, and processing 40 tons a hour. company is looking into purchasing a portable eddy current system to process the auto fluff. Before the on-site pile will be processed, this portable unit would be used at H.H. Enterprises, Gary, Indiana. Approximately 200,000 cubic yards of auto fluff was shipped to H.H. Enterprises for further processing. Midwest Metallics was identified as a potential responsible party and is presently working with the USEPA on remediating the site.
- 8) Fines from the eddy current system (one inch screened material) located between the auto fluff pile and the broken brick pile (see photo #9). Approximately 30,000 tons. This material will be reprocessed thru the eddy current system.
- 9) Auto shredder residue received from Chicago Shredding (see photo #10). Approximately 2,000 tons. This material is intended to be processed.
- 10) Auto shredder residue generated on-site (see photo #11). Approximately 40,000 tons. This material was generated on-site and will begin to be processed by August 30, 1995.
- 11) Auto fluff to be shipped to County Landfill (see photo #12). Approximately 500 tons.
- 12) Fines from the eddy current system (one inch screened material) located in front of the eddy current system building (see photo #13). Approximately 10,000 tons. This material will be reprocessed thru the eddy current system.
- 13) Auto shredder residue from the eddy current system accumulated in a concrete lined bay (see photo #14). This material will be sent back thru the shredder.

Page 3

Midwest Metallics has shipped 52,567.45 gross tons of auto fluff to County Landfill from January 1, 1995 to August 25, 1995 (waste stream authorization number 942064). The most recent chemical analysis for the auto fluff was dated August 7, 1995. Cadmium, and Lead (TCLP) concentrations were below the RCRA standard. The mean value for PCBs was 7.8 ppm.

Midwest Metallics has received 24,267.1 gross tons of auto shredder residue from Chicago Shredding from February 1, 1995 to August 25, 1995.

The following apparent violations which were previously identified were again observed:

815.201	815.202
815.203	815.204
815.301	815.303
815.401	815.501
815.502	

In addition to the previously identified violations above, the following new apparent violations were identified:

12(a) -	Cause,	thre	<u>eater</u>	ı or	allow	water	pollution	<u> </u>
	Illinoi	is.	The	auto	fluff	which	has been	on-
							threate	
	waters	of t	the S	tate.				

Conduct any waste-storage, waste-treatment, or waste-disposal operation: in violation of any Regulations or Standards Adopted by the Board.
Auto fluff has been stored in a waste pile greater than one year.

The following violations discovered during a December 2, 1994 inspection were resolved:

809.201	Section	21(d)(1)	of	the	Act
809.301					
809.302(a)					
809.302(b)					

The violations were resolved based on a decision made during a meeting held in Springfield. Auto fluff received by Midwest Metallics from Chicago Shredding is not a waste.



SITE SKETCH

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Midwest Metallics L.P.

August 11, 1995

Ms. Donna Kipfer County Environmental of Livingston R.R. #3, Box 646 Pontiac, Illinois 61764-0646

RE: Quarterly Sampling Results

Dear Donna:

I'm sending you a copy of the TCLP results on our waste stream; the sampling was performed on August 7, 1995.

Sincerely,

Terence J. Coogan

TJC/kjw Enclosure

W. Z. BAUMGARTNER & ASSOCIATES, INC.

PO. BOX 786 • BRENTWOOD, TN 37024 500 WILSON PIKE CIRCLE • SUITE 206 • BRENTWOOD, TN 37027 615-373-1572 • FAX: 615-370-9292

LETTER OF TRANSMITTAL

M 79	erry Coogan, E idwest Metallic 55 W. 59th Str go, IL 60501	es L.P.			DATE PROJECT NO. RE:	August 10, 1995 92107 Midwest Metallics Eddy Current Discharge
WE ARE	SENDING YOU VIA		Attached Overnight	⊠ Previously □ 2nd Day	faxed	□ Under separate cover □ Regular
THE FOLL	LOWING ITEMS	П	Exhibits Reports Plans	п Shop Draw п Survey п Specificatio	_	☐ Permit Applications ☐ Change Order ☐ Other
COPIES	DATE	NO.			DESCRIPTIO	N
1	8-7-95		Exhibit 1	lo. No. 1: Cadmiu	m & Lead	Concentrations
11	8-7-95		Exhibit N	No. No. 2: Spike N	Iatrix Reco	overy w/Chain of Custody
11	8-7-95		Exhibit 1	No. No. 3: Constitu	ent Analys	sis
11	8-7-95		Exhibit N	Vo. No. 4: Cadmiu	m & Lead	Individual Sample Results
1	<u>8-7-95</u>		Exhibit_P	Vo. No. 5: Constitu	ient Analys	is - Individual Sample Results
口 For ap 即 For yo 口 As rec	E TRANSMITTE oproval our use quested view and comme		Approved as a Approved as a Returned for a	submitted	Resubmit Submit Return	copies for approval copies for distribution corrected prints
REMARK	S:					

If enclosures are not as noted, kindly notify us at once.

President

MIDWEST METALLICS, L.P. ARGO, ILLINOIS

EDDY CURRENT DISCHARGE TOXICITY CHARACTERISTIC LEACHING PROCEDURE

AUGUST 7, 1995

PARAMETER

CONCENTRATION

EPA LIMIT

TCLP METALS (mg/l)1

Cadmium

0.20

1.0

Lead

< 0.50

5.0

¹EPA Method 1311; Analysis according to SW 846

W. Z. BAUMGARTNER & ASSOCIATES, INC. Consulting Engineers

P. O. Box 786 Brentwood, TN 37024-0786

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A DE

MIDWEST METALLICS, L.P. ARGO, ILLINOIS

EDDY CURRENT DISCHARGE SPLIE MATRIX RECOVERY

AUGUST 7, 1995

PARAMETER	CADMIUM	LEAD
#1 (38265)	95%	105%
# 2 (38266)	98%	102 %
#3 (38267)	94%	104%
#4 (38268)	94%	103%
#5 (38269)	97%	105 %
#6 (38270)	96%	103%
#7 (38271)	96%	106%
#8 (38272)	92%	105%
#9 (38147)	93%	105%
#10 (38148)	94%	106%

W. Z. BAUMGARTNER & ASSOCIATES, INC.
Consulting Engineers
P. O. Box 786 Brentwood, TN 37024-0786

p\92109

MIDWEST METALLICS L.P. ARGO, ILLINOIS

EDDY CURRENT DISCHARGE CONSTITUENT ANALYSIS (mg/kg)

AUGUST 7, 1995

PARAMETER CONCENTRATION EPA LIMIT

PCB¹
7.8
50

¹Reported as "Dry Weight" - EPA Method 8080 N.S. - No Standard

W. Z. BAUMGARTNER & ASSOCIATES, INC.

Consulting Engineers

P. O. Box 786

Brentwood, TN 37024-0786

35.6

N.S.

p\92109

% Moisture

MIDWEST METALLICS L.P. ARGO, ILLINOIS

EDDY CURRENT DISCHARGE TOXICITY CHARACTERISTIC LEACHING FROCEDURE

AUGUST 7, 1995

PARAMETER	TCLF METALS ¹			
SAMPLE ID	CADMIUM	LEAD		
#1 (38265)	0.20	< 0.50		
#2 (38266)	0.22	< 0.50		
#3 (38267)	0.26	< 0.50		
#4 (38268)	0.22	< 0.50		
#5 (38269)	0.22	< 0.50		
#6 (38270)	0.16	< 0.50		
#7 (38271)	0.14	< 0.50		
#8 (38272)	0.20	< 0.50		
#9 (38273)	0.18	< 0.50		
#10 (38274)	0.18	< 0.50		
MEAN	0.20	< 0.50		

¹EPA Method 1311

W. Z. BAUMGARTNER & ASSOCIATES, INC.
Consulting Engineers
P.O. Box 786 Brentwood, Tennessee 37024-0786

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MIDWEST METALLICS L.P. ARGO, ILLINOIS

EDDY CURRENT DISCHARGE CONSTITUENT ANALYSIS

AUGUST 7, 1995

SAMPLE ID		
	PCB (ppm) ¹	CONSTITUENT % MOISTURE
#1 (38255)	<5.00	33.2
#2 (38256)	33.1	28.1
#3 (38257)	<5.00	39.6
#4 (38258)	<5.00	36.3
#5 (38259)	<5.00	36.0
#6 (38260)	<5.00	27.6
#7 (38261)	<5.00	38.5
#8 (38262)	<5.00	34.7
#9 (38263)	<5.00	41.3
#10 (38264)	<5.00	41.0
MEAN	7.3	35.6

¹Reported as "Dry Weight" - EPA Method 8080

W. Z. BAUMGARTNER & ASSOCIATES, INC.
Consulting Engineers
P. O. Box 786
Brentwood, TN 37024-0786

p\92109

A D. D.

Page	CHAIN OF CUSTODY	Alysis Remarks (include Prosorvatives Used:) (— O	icre) Eatoffime Received Sy; (Signa")	luro) Cato/fime Rocolvod By: (Signature)	(Signature),
٠.02		Intended Analysis	nature) Relinquishod By: (Signature)	1	nalure) Recoived for Laboratory By: (Signature) Custody Seals Intact:
W.Z. P & UMGARTNER & ASSOCIATES, INC. consultind engineers	SUITE 10! 110 WESTWOOD PLACE P.O. BOX 736 BRENTWOOD, TENNESSEE J.727 615-373-1572 FAX: 615-370-9292	The cate the the the the the the the the the t	Date/Time Received By: (Signature)	Daloffind Rogingd Ey: (Signature)	Dato/Timo Rosived By; (Signature)
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

Junty: Cook	LPC#: <u>0316000103</u>	Region: 2	
Location/Site Name: Chicago Shredd	ing, Division of Midwest	Metallics L.P.	
Date: August 28, 1995	Time: From 10:30am	To 12:15pm Previous Ir	nspection Date:
Inspector(s): Gino Bruni, and Rich Bulger	W	eather: 85 degrees, Cloudy/Rain	
No. of Photos Taken: # 16	Sa	amples Taken: Yes # No	<u>x</u>
Interviewed: Dennis Bloom	Co	omplaint #:	
Send Inspection Report to: Terence Cooga 7955 W. 59th Argo, Illinois 6	Street	Chicago Shredding 12901 S. Stony Islan Chicago, Illinois 606:	

	SECTION	DESCRIPTION	VIOL.
	ILLIN	IOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS	
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	х
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	х
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSA OPERATION:	\L
	(1)	Without a Permit	
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	х
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	I RESULTS
	(1)	Litter	x
	(2)	Scavenging	
	(3)	Open Burning	
	(4)	Deposition of Waste in Standing or Flowing Waters	

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LPC#:

Inspection Date:

	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	Х
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
		35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G	
10.	807.201 & 807.202	CAUSING OR ALLOWING THE DEVELOPMENT AND/OR OPERATION OF A SOLID WASTE MANAGEMENT SITE WITHOUT A PERMIT ISSUED BY THE AGENCY	
11.	722.111	HAZARDOUS WASTE DETERMINATION	Х
12.	808.121	SPECIAL WASTE DETERMINATION	х
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE HAULER WITHOUT A WASTE HAULING PERMIT AND/OR MANIFEST	
		OTHER REQUIREMENTS	
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER: 815.201	Failed to file an initial facility report to provide information concerning location and disposal practices of the facility.	Х
	815.202(a)	Failed to file the initial report in a timely manner, as specified in that Section.	Х
	815.203(b)	Failed to submit required information.	Х
	815.301	Failed to provide an annual report with the Agency.	х

Informational Notes

- 1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- 2. Illinois Pollution Control Board: 35 III. Adm. Code, Subtitle G.
- 3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers.
- 4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
- 5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
- 6. Items marked with an "NE" were not evaluated at the time of this inspection.
- 7. Statutory effective date: through 1/10/95.
- 8. Regulatory effective date: through 7/21/94.

NARRATIVE Prepared by Gino Bruni

On August 28, 1995, Rich Bulger (Legal Coun éel) and I conducted an inspection at Chicago Shredding, Division of Midwest Metallics L.P. This inspection was requested by Rich Bulger.

Chicago Shredding and Scrap Corporation of America operate out of the same location, 12901 S. Stony Island, Chicago IL. 60633. Both companies are a Division of Midwest Metallics L.P. The property is owned by Calumet Realty L.P., 7955 W. 59th Street, Argo IL. 60501.

Scrap Corp. of America operates the shearer which cuts metal into pieces, and operates the bailer which bails the metal pieces cut from the shearer. This company does not operate the shredder or manage the auto fluff.

Chicago Shredding receives junk vehicles and white goods from offsite which is then sent through their shredder. The automotive fluids are allegedly drained, and the white goods are allegedly free of PCB's, capacitors and CFC's prior to being received by Chicago Shredding. The result of shredding the vehicles and white goods are auto fluff (sometimes referred to as auto shredder residue), and fines. Generally auto fluff will contain ferrous metal, non-ferrous metals, plastic, rubber, vinyl, leather, seat cushion material, and miscellaneous debris. Fines are material which appear to look like dirt and apparently have a low metal content.

Chicago Shredding has shipped 24,267.1 gross tons of auto fluff from February 1, 1995 to August 25, 1995 to Midwest Metallics. Midwest Metallics recovers the ferrous and non-ferrous metals from the auto fluff. Chicago Shredding only ships auto fluff to Midwest Metallics.

The following waste piles were observed during the inspection:

Waste pile of fines from the beach tank

This large waste pile is located south of the shredder. The fines have been stockpiled for greater than six years. Apparently this material has no economic value. There appears to be approximately 200,000 cubic yards of fines on-site.

Waste pile of miscellaneous sediment

This waste pile is located northwest of the shredder. It is unknown how long this material has been on-site, and how the material was generated. There appears to be approximately 500 cubic yards of miscellaneous sediment on-site.

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Waste pile of sediment and a crushed steel drum

This waste pile is located northwest of the shredder. It is unknown how long this material has been on-site, and how the material was generated. There appears to be approximately 20 cubic yards of sediment on-site.

Waste pile of tires, wood, and sediment

This waste pile is located northwest of the shredder. unknown how long this material has on-site, and how the material was generated. There appears to be approximately 20 to 30 cubic yards of debris on-site.

The following apparent violations were observed:

- 12(a) of the Act Cause, Threaten or Allow Water Pollution In Waste piles are allowed to be stored outside without prohibiting contaminants to migrate into waters of the 1) State. See photos 1, 2, 3, 8, 9, 13, 14, 15, and 16.
- 12(d) of the Act Cause or Allow Open Dumping of fines, tires, wood, one crushed drum, and miscellaneous sediment. 2) See photos 1, 2, 3, 8, 9, 13, 14, 15, and 16.
- 21(d)(2) of the Act Conduct Any Waste-Storage, Waste-Treatment, or Waste-Disposal Operation In Violation of Any Regulations or Standards Adopted by The Board. Waste-Storage 3) of fines, tires, wood, one crushed drum, and miscellaneous sediment. See photos 1, 2, 3, 8, 9, 13, 14, 15, and 16.
- 21(p)(1) of the Act Cause or Allow The Open Dumping of Any Waste in a Manner Which Results in Litter at The Dump Site. Open dumping of fines, tires, wood, one crushed drum, and 4) miscellaneous sediment. See photos 1, 2, 3, 8, 9, 13, 14, 15, and 16.
- 55(a)(1) of the Act Cause or Allow Open Dumping of Any Used Tires were discovered in a waste pile 5) northwest of the shredder. See photo number 13.
- 722.111 No hazardous waste determination for the fines and miscellaneous sediment. See photos See photos 1, 2, 3, 8, 9, 6) 13, 14, 15, and 16.
 - 808.121 No special waste determination for the fines and miscellaneous sediment. See photos See photos 1, 2, 3, 8, 9, 7) 13, 14, 15, and 16.

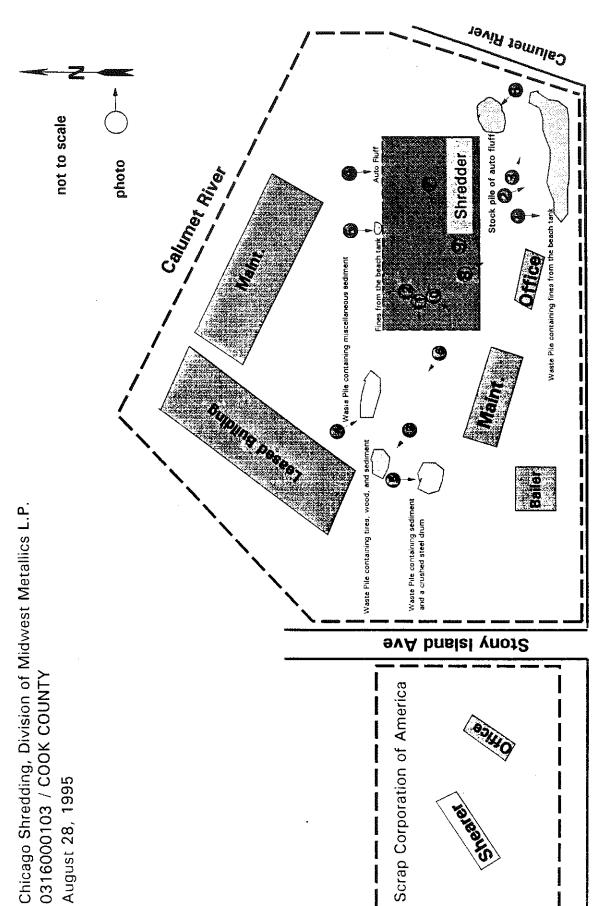
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Page 3

- 8) 815.201 Failed to file an initial facility report to provide information concerning location and disposal practices of the facility.
- 9) 815.202(a) Failed to file the initial report in a timely manner, as specified in that Section.
- 10) 815.203(b) Failed to submit required information.
- 11) 815.301 Failed to provide an annual report with the Agency.
- 12) 815.401 Failed to submit quarterly groundwater monitoring report.

The above 815 violations relate to the large waste pile of fines which have been on-site for greater than six years. The waste pile is considered a landfill based on the definition in 35 Ill. Adm. Code 810. The fines are considered a waste based on the definition in the Act. The fines have been discarded for greater than six years.

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East 130th Street

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Illinois Environmental Protection Agency Photographs

Site Name: Chicago Shredding IEPA #: 0316000103

Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



Comments: Waste pile of fines generated by the shredding operation. This material is taken out of the beach tank. Roll #:96-93 Photo #: 1

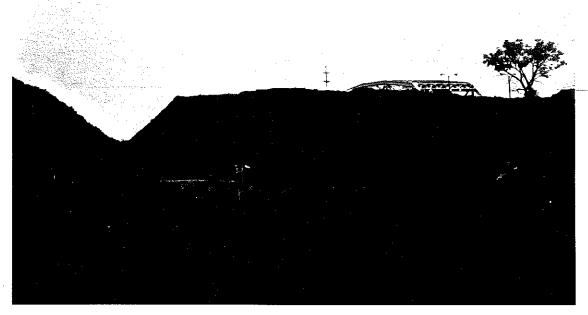


Comments: Same as above. Fines which have been on-site greater than six six years. Roll #: 96-93 Photo #: 2

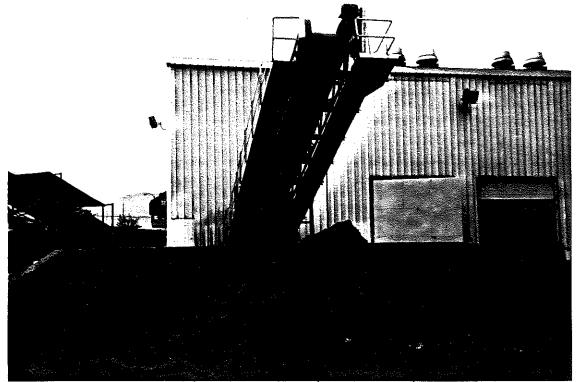
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Site Name: Chicago Shredding IEPA #: 0316000103

Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



Comments: Waste pile of fines generated by the shredding operation. This material is taken out of the beach tank. Roll #:96-93 Photo #: 3



Comments: Fines generated by the shredding operation. Removed from the beach tank. Roll #: 96-93 Photo #: 4

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Site Name: Chicago Shredding IEPA #: 0316000103

Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



Comments: Auto fluff generated from the shredding operation.

Roll #:96-93 Photo #:5



Comments: Stock pile of auto fluff generated by the shredding operation.

This material is sent to Midwest Metallics. Roll #: 96-93 photo #: 6

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Site Name: Chicago Shredding IEPA #: 0316000103

Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



Comments: Beach tank.

Roll #:<u>96-93</u> Photo #: 7



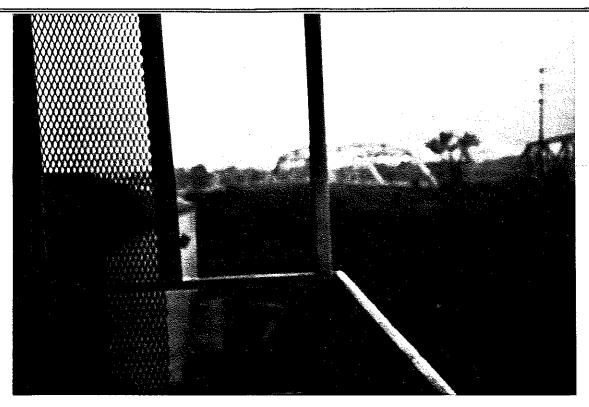
Comments: Waste pile of fines. Photo was taken from the top of the shredder.

Roll #: 96-93 photo #: 8

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Site Name: Chicago Shredding IEPA #: 0316000103

Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



Comments: Same as photo number 8



Comments: Facing southwest; Photo was taken from the top of the shredder.

_Roll #: <u>96-93</u> photo #: <u>10</u>

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Site Name: Chicago Shredding IEPA #: 0316000103

Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



Comments: Facing west; Photo was taken from the top of the shredder.

Roll #:96-93 Photo #: 11



Comments: Facing north to northwest; Photo was taken from the top of the shredder. Roll #: 96-93 photo #: 12

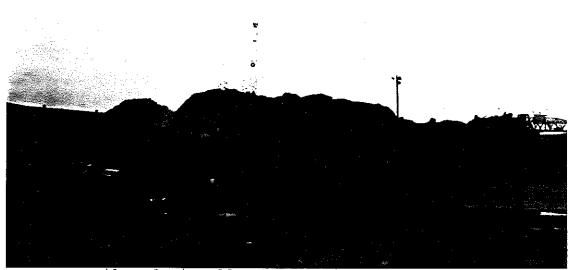
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Site Name: Chicago Shredding IEPA #: 0316000103

Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



Comments: Waste pile of tires, wood, and sediment.



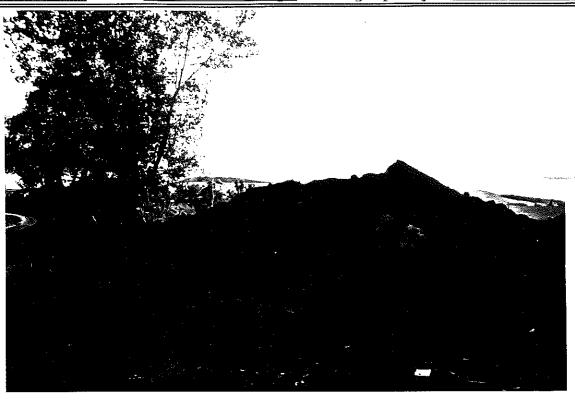
Comments: Waste pile of miscellaneous sediment.

_Roll #:<u>96-94</u> photo #:<u>14</u>

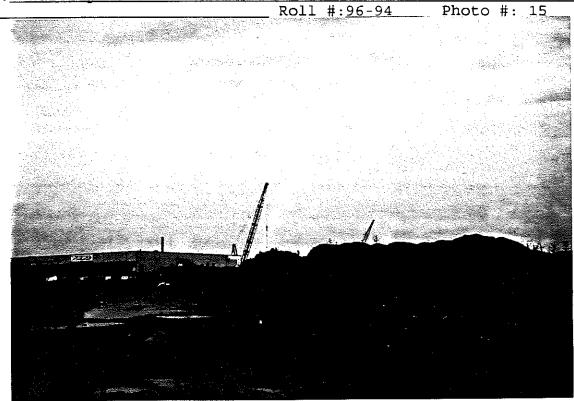
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Site Name: Chicago Shredding IEPA #: 0316000103

Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



Comments: Waste pile of sediment, and a crushed steel drum.



Comments: Overall view of the waste piles located northwest of the shredder.

Roll #: 96-94 photo #: 16

ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217/524-6715

Ms. RoseMarie Cazeau Assistant Attorney General Environmental Bureau 100 West Randolph, 12th Floor Chicago, IL 60601

> Midwest Metallics LLP RE:

Dear RoseMarie:

I write in response to Russell Eggert's February 24, 1995 asserting that federal RCRA regulations codified at 40 C.F.R. 261.6 exempt Midwest Metallics LLP ("Midwest") from regulation under either federal or state law.

While he is correct in stating that 40 C.F.R. 261.6(a)(3)(iii) and 35 Ill. Adm. Code 721.106. exempt Midwest from regulation as a generator of hazardous waste, Mr. Eggert fails to recognize that scrap metal is a "solid waste" that may be regulated under both State and federal law. By Mr. Eggert's own description, Midwest shreds scrap automobiles at its Lake Calumet facility in order to separate ferrous from non-ferrous materials. Recovered ferrous materials are sold to customers. The remaining material is sent to the Summit facility for additional processing to extract recoverable metals. Pursuant to federal RCRA regulations, these activities involve the treatment (and possibly the storage) of a "solid waste." As you are aware, solid waste treatment operations are subject to statutory and regulatory requirements under State law as well.

"Scrap metal" is a "solid waste" if it is recycled (or accumulated, stored or treated before recycling) through reclamation. 40 C.F.R. 261.2(c)(3), 35 Ill. Adm. Code 721.102(c)(3). A material is "reclaimed" if it is "processed to recover a usable product, or if it is regenerated." 40 C.F.R. 261.1(c)(4), 35 Ill. Adm. Code 721.101(c)(4). Reclaimed material is specifically removed from coverage under 40 C.F.R. 216.2(e)(1) and 35 Ill. Adm. Code 721.102(e)(1), which provide that recycled materials used as ingredients in an industrial process to make a product or returned to the original process from which they are generated do not meet the definition of "solid waste."

Accordingly, Midwest's operations may constitute the unpermitted establishment of a solid waste management facility. That auto shredders such as Midwest are subject to the permit requirement

Widwest Metallics <u>bVCE 2</u>

set forth at 415 ILCS 21(d)(1) is clear. In Pielet Bros. Trading v. Pollution Control Board, 110 III. App. 3d 752, 442 N.E.2d 1374 (1982), the Illinois Appellate Court for the Fifth District held that auto fluff is not generated by the auto shredder's own operations. As a result, auto shredders are not covered by the permit exemption enunciated at 415 ILCS 21(d)(1).

Midwest should be required to submit a solid waste determination to better characterize its operations at the Lake Calumet and Summit facilities. Unless it is able to proffer information that would remove it from coverage under federal and State law solid waste rules, enforcement for additional violations should be initiated.

Please contact me if you have any questions regarding this or any matter.

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Richard F. Bulger Assistant Counsel

Gino Bruni Ed Bakowski

Illinois Environmental Protection Agency Division of Land Pollution Control

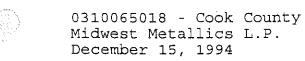
RCRA INSPECTION REPORT

USEPA #: IL	IEPA #: 03/0650/8
Facility Name: Midwest Metallics	
Street Address: 7955 W 59th S	treet County: Cook
City: Argo	State: IL Zip: 6050/
Region: MALINDOD Inspection Date: 121	02194 From: 2:00pg To: 3:30pg
Weather: Sunn 30°F	*
TYPE OF	FACILITY
Notified As: NON - NOTIFIED	Regulated As: NON-HANDLER
LDF? HPV? 90-Day F/U Req	uired?: YES NO
	NSPECTION
CEI: Sampling: Citizen Comp	aint: Closed: Other:
CME/O&M: Record Review: Fo	llow-Up to Inspection of: 10-7-94 Withdrawai:
	LATED STATUS
SQG: Claimed Nonhandler:	Other (Specify in Narrative):
	RTA N/A
Notification Date:/, fro	m (initial) or (subsequent) Notification.
Initial Part A Date://	Amended://
Part A Withdrawal requested://	Approved by (US)(IL) EPA://
	RMIT APPLICATION N/A
Part B Permit Submitted: Y or N //_	Final Permit Issued://
	ECEMENT
	USEPA: Y or N//
Has the firm been referred to - Illinois Attorney General: (Y) or N 04154194	County State's Attorney: Y or N/
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Federal Court Order:/ State Court Or	der: POB Order
	Y ACTIVITY SUMMARY
Activity by Process Code On Per A? Man Conducted New Port Do	Cheen Committee Cheen Committee Comm
Activity by Process Code On Per A? Activity by Hee Ene do	Charles Charles Charles Exempt per 35 IAC, Sec. 19 19 19
Process Code On Process Code	33 IAC, 36C.

** NEW WOLATION

815.401 815,501 N 815.502

* See NARRATIVE



NARRATIVE

On December 2, 1994 I conducted an inspection at Midwest Metallics. This inspection was requested by Rich Bulger (Springfield/DLC). The purpose of this inspection was to determine the status of the piles of auto fluff. I met with Terry Coogan (Midwest Metallics - Attorney).

Midwest Metallics started processing auto shredder residue in their new eddy current system sometime in September 1994. This process replaced the rising current system. Auto fluff waste is generated from the new system. Some of the auto shredder residue is generated at their facility on 130th Street in Chicago, and shipped to the Argo facility for processing.

Midwest Metallics has shipped 42,834 cubic yards of auto fluff to Livingston Landfill from August 18, 1994 to December 12, 1994 (Waste Stream Authorization Number 942064). Prior to August 18, 1994 Midwest Metallics shipped 65,917 cubic yards of auto fluff to CID Landfill (Waste Stream Authorization Number 900109). A total of 108,751 cubic yards of auto fluff has been shipped off-site.

My original inspection (October 6, 7, 1994) cited violations of Sections 722.111, and 811.315(A). The Agency received Midwest Metallic's March 17, 1994 response to the Agency's December 2, 1993 PECL. The violation of Section 722.111 has been resolved as of the Agency's July 15, 1994 letter. The Agency's legal staff decided to eliminate the violation of Section 811.315 (A) and add the following apparent violations:

- 1) 815.201 failed to file an initial facility report to provide information concerning location and disposal practices of the facility.
- 2) 815.202 failed to file the initial report in a timely manner, as specified in that Section.
- 3) 815.203 failed to submit required information.
- 4) 815.204 failed to submit initial reports signed by a duly authorized agent, including the agent's name, address and telephone number and evidence of the agent's authority to sign.
- 5) 815.301 failed to provide an annual report with the Agency.
- 6) 815.303 failed to submit required information in the annual report.

0310065018 - Cook County Midwest Metallics Page 2

- 7) 815.401 failed to submit quarterly groundwater monitoring report.
- 8) 815.501 failed to retain for Agency inspection the information required to be maintained in Subpart E of Part 815.
- 9) 815.502 failed to retain acceptance reports prior to placing a structure into use.

During this inspection it was discovered that auto shredder residue from Midwest Metallics facility located at 130th street in Chicago is being shipped to the Argo facility for processing without a manifest, and the facility does not have a permit to receive special waste for storage and treatment.

The following newly discovered apparent violations were observed:

- *Section 21 d failed to obtain a permit granted by the Agency to conduct waste storage and waste treatment for the auto shredder residue received from off-site.
- *Section 809.202 failed to obtain a special waste hauling permit granted by the Agency for the auto shredder residue transported from the 130th Street facility to the Argo facility.
- *Section 809.301 failed to deliver special waste with a manifest to a special waste hauler who holds a current, valid special waste hauling permit issued by the Agency.
- *Section 809.302(a) accepted special waste for storage and treatment from a special waste hauler which did not have a valid special waste hauling permit issued by the Agency.
- *Section 809.302(b) delivered a special waste for storage and treatment to a facility that does not have a valid operating permit issued by the Agency.

cc: Division File Rich Bulger
Maywood Region . Rosemarie Cazeau
Karen Barancik



SITE SKETCH

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IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
LASALLE COUNTY, ILLINOIS

IN CHANCERY

PEOPLE OF THE STATE OF ILLINOIS, ex rel. ROLAND W. BURRIS, Attorney General of the State of Illinois, and ex rel. JOSEPH R. NAVARRO, State's Attorney of LaSalle County,

NOV 1 0 1998

Plaintiff,

No. 92 CH-117

-vs-

PIELET BROS. SCRAP IRON & METAL LIMITED PARTNERSHIP, a limited partnership, PIELET/TANG ENTERPRISES INC., an Illinois corporation and general partner of PIELET BROS. SCRAP IRON and METAL LIMITED PARTNERSHIP, a limited partnership, JAMES PIELET, individually and as President of PIELET/TANG ENTERPRISES INC., ASHLY TRUCKING CO., INC., an Illinois corporation, CORRINE BRUNO, individually and as President of ASHLY TRUCKING CO., INC., C. PAT PLUMERI and RANDALL RODRICK,

Received
Environmental Protection Agency

NOV 2 9 1993

Division of Legal Counsel Illinois - Region II

Defendants.

CONSENT ORDER WITH PIELET BROS. SCRAP IRON & METAL LIMITED PARTNERSHIP, PIELET/TANG ENTERPRISES INC., and JAMES PIELET

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, ex rel. ROLAND W. BURRIS, Attorney General of the State of Illinois, and ex rel. JOSEPH R. NAVARRO, State's Attorney of LaSalle County, and Defendants, PIELET BROS. SCRAP IRON & METAL LIMITED PARTNERSHIP, a limited partnership, PIELET/TANG ENTERPRISES Inc., an Illinois corporation and general partner of PIELET BROS. SCRAP IRON and

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METAL LIMITED PARTNERSHIP, and JAMES PIELET, individually and as President of PIELET/TANG ENTERPRISES, having agreed to the making of this stipulation and the entry of this Consent Order, do hereby stipulate and agree as follows:

I.

STIPULATION OF USE AND AUTHORIZATION

The parties stipulate that this Consent Order is entered into for the purpose of settlement only and that neither the fact that a party has entered into this Consent Order nor any facts stipulated herein, shall be used for any purpose in this or any other proceeding except to enforce the terms hereof by the parties to this agreement. Notwithstanding the previous sentence, this Consent Order may be used in any future enforcement action as evidence of a past adjudication of violation of the Act for purposes of section 42(h) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1042(h).

The undersigned representative for each party certifies that he/she is fully authorized by the party who he/she represents to enter into the terms and conditions of this Consent Order and to legally bind the party he/she represents to the Consent Order.

<u>:</u>					
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STATEMENT OF FACTS

A. Parties

- 1. The Attorney General of the State of Illinois brings this action on his own motion as well as at the request of the Illinois Environmental Protection Agency ("Agency") pursuant to the statutory authority vested in him under section 42 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1042.
- 2. The State's Attorney of LaSalle County brings this action on his own motion pursuant to the statutory authority vested in him under section 42 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1042.
- 3. The Agency is an agency of the State of Illinois created pursuant to section 4 of the Act, Ill. Rev. Stat. 1991, ch. lll-1/2, par. 1004, and charged, inter alia, with the duty of enforcing the Act.
- 4. At all times pertinent hereto, Defendant, Pielet Bros. Scrap Iron & Metal Limited Partnership ("Pielet Bros."), is a limited partnership, doing business in the State of Illinois at premises located at 7955 W. 59th Street, Argo, Cook County, Illinois ("plant") and is engaged in the automobile shredding business.
- 5. At all times pertinent hereto, Defendant, Pielet/Tang Enterprises Inc. ("Pielet/Tang"), now known as S. D. Metals,

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Inc., an Illinois corporation, was the general partner and in control of Defendant, Pielet Bros.

- 6. At all times prior to August 6, 1993, Defendant, James Pielet, was the president of Pielet/Tang, the general partner of Pielet Bros. James Pielet was responsible for and in control of the operations and activities of Pielet Bros. On September 28, 1993, Pielet/Tang became S. D. Metals, Inc. with Michael Tang as its president.
- 7. Defendants, Pielet Bros., Pielet/Tang (S. D. Metals, Inc.) and James Pielet, shall hereinafter be referred to collectively as "Pielet".

B. <u>Facility Description</u>

At all times relevant to this Consent Order, Pielet's automobile shredding business shreds scrap automobiles and appliances, processes the resultant mixture and recovers approximately 80% of such automobiles and appliances as scrap metal. The remaining 20% of the scrap automobiles and appliances is the waste from such shredding operations and is called auto fluff. This auto fluff material is transported from the facility and disposed.

C. Violations

1. Sections 21(d) and (f) of the Act, Ill. Rev. Stat.

1991, ch. 111-1/2, par. 1021(d) and (f), provide in pertinent
part as follows:

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No person shall:

- d. Conduct any waste-storage, wastetreatment or waste-disposal operation:
 - In violation of any regulations or standards adopted by the Board under this Act;
- f. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:
 - 2. In violation of any regulations or standards adopted by the Board under this Act;
- Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch.
 111-1/2, par. 1021(i), provides as follows:

No person shall:

- i. Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act.
- 3. Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12, provides the following definition:

"GENERATOR" when used in connection with hazardous waste means any person whose act or process produces hazardous waste.

4. Section 722.111 of the Illinois Pollution Control Board ("Board") Waste Disposal Regulations, 35 Ill. Adm. Code 722.111, titled, <u>Hazardous Waste Determination</u>, provides as follows:

A person who generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, shall

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determine if that waste is a hazardous waste using the following method:

- a) The person should first determine if the waste is excluded from regulation under 35 Ill. Adm. Code 721.104.
- b) The person should then determine if the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721 Subpart D.

MAXIMUM CONCENTRATIONS OF CONTAMINANTS FOR THE TOXICITY CHARACTERISTIC

USEPA HAZARDOUS WASTE NUMBER	CONTAMINANT	Regulatory level note (mg/l)	
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D008	LEAD	5.0	
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5. Section 722.112(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(a), titled, <u>USEPA Identification</u>
Numbers, provides as follows:

A generator must not treat, store, dispose of, transport or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.

6. Section 722.112(c) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(c), titled, <u>USEPA Identification</u>
<u>Numbers</u>, provides as follows:

A generator must not offer his hazardous waste to transporters or to treatment, storage or disposal facilities that have not received an EPA identification number.

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7. Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.120(a), titled, General Requirements, provides as follows:

A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage or disposal must prepare a manifest before transporting the waste offsite.

8. Section 722.123(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.123(a), titled, <u>Use of the Manifest</u>, provides as follows:

The generator shall:

- Sign the manifest certification by hand; and
- 2) Obtain the handwritten signature of the initial transporter and date of acceptance of the manifest; and
- Retain one copy, in accordance with Section 722.140(a); and
- 4) Send one copy of the manifest to the Agency within two working days.
- 9. Section 722.133 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.133, titled, <u>Placarding</u>, provides as follows:

Before transporting hazardous waste or offering hazardous waste for transportation offsite, a generator must placard or offer the initial transporter the appropriate placards according to Department of Transportation regulations for hazardous materials under 49 CFR Part 172, Subpart F. (Amended 4/8/82)

10. Section 722.140(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.140(a), titled, Recordkeeping, provides as follows:

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A generator must keep a copy of each manifest signed in accordance with Section 722.123(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

- 11. Section 722.141 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.141, titled, Annual Reporting, provides in pertinent part as follows:
 - a) A generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States shall prepare and submit a single copy of an annual report to the Agency by March 1 for the preceding calendar year. The annual report must be submitted on a form supplied by the Agency, and must cover generator activities during the previous calendar year, and must include the following information:
 - 1) The USEPA identification number, name and address of the generator.
 - 2) The calendar year covered by the report.
 - The USEPA identification number, name and address for each off-site treatment, storage or disposal facility in the United States to which waste was shipped during the year.
 - 4) The name and USEPA identification number of each transporter used during the reporting year for shipments to a treatment, storage or disposal facility within the United States.
 - number (from 35 Ill. Adm. Code 721. Subpart C or D), DOT hazardclass and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage or disposal facility within the United States. This information must be listed by

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EPA identification number of each off-site facility to which waste was shipped.

- 6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.
- 7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.
- 8) The certification signed by the generator or the generator's authorized representative.
- 12. Section 728.107 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 728.107, titled, <u>Waste Analysis</u>, provides in pertinent part as follows:
 - a) Except as specified in Section 728.132 or 728.143, the generator shall test the generator's waste, or test an extract developed using the test method described in Appendix A, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part.
- 13. Section 728.109 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 728.109, titled, Special Rules for Characteristic Wastes, provides in pertinent part as follows:
 - c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste which exhibits a characteristic under 35 Ill. Adm. Code 721. Subpart C shall be land disposed unless the waste complies with the treatment standards under Subpart D.
 - d) Wastes that exhibit a characteristic are also subject to Sections 728.107 requirements, . . .

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14. Section 809.301 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.301, titled, Requirements for Delivery of Special Waste to Haulers, provides as follows:

No person shall deliver any special waste generated within Illinois, or for disposal, storage or treatment within Illinois unless that person concurrently delivers a manifest completed in accordance with Subpart E of this Part to a special waste hauler who holds a current, valid special waste hauling permit issued by the Agency under Subpart B of this Part.

- 15. Section 809.302(b) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.302(b), titled, Requirements for Acceptance of Special Waste for Haulers, provides as follows:
 - (b) No person shall deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations.
- 16. Section 3.26 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.26, provides the following definition:

"PERSON" is any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

17. Section 809.501 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.501, titled, Manifests, Records, Access to Records, Reporting Requirements and Forms, provides in pertinent part as follows:

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- Any person who delivers special waste to a) a permitted special waste hauler shall complete a manifest to accompany the special waste from delivery to the destina-The manifest tion of the special waste. which shall be provided or prescribed by the Agency shall, as a minimum, contain the name of the generator of the special waste when and where generated; name of the person from whom delivery is accepted and the name of the site from which delivered; the name of the special waste hauler; the date of delivery; the final disposal, storage or treatment site; and the name, classification and quantity of the special waste delivered to the hauler
- 18. On or before November 29, 1990, or a date better known to Pielet, Pielet caused or allowed large quantities of waste called auto fluff, generated from their automobile shredding operation, to be transported from their plant by Defendant, Ashly Trucking Co., Inc. ("Ashly"), pursuant to an oral agreement, and dumped or disposed on residential property located at 177 West Second Street, Streator, LaSalle County, Illinois, ("site").
- 19. On December 5, 1990, inspectors from the Agency conducted an investigation and inspection of the site. Such investigation and inspection revealed the existence of a quarry hole at the rear of the site. The quarry hole emitted a strong solvent odor and was found to be filled with said auto fluff material measuring 80 feet wide, 40 feet long and approximately 5 feet high. On that same date, an inspector from the Agency collected samples of this waste called auto fluff found at the site. Laboratory analysis of this waste using the Toxicity Characteristic Leaching Procedure ("TCLP") showed lead levels of 10.56 mg/l.

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- 20. The waste known as auto fluff which Pielet, caused or allowed to be dumped or disposed at the site is an "industrial process waste" as that term is defined in section 3.17 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.17, because it is generated as a direct or indirect result of the performance of a service, it would pose a present or potential threat to human health or the environment and/or it has inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. Since auto fluff is an "industrial process waste", it is also a "special waste" as that term is defined at section 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.45.
- 21. The auto fluff that was generated by Pielet at their plant, and which was dumped or disposed on the site, is "solid waste" as that term is defined at 35 Ill. Adm. Code 721.102, and "hazardous waste" as that term is defined at section 3.15 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.15, because it is discarded material and its physical and chemical characteristics pose a substantial and potential hazard to human health and the environment when improperly transported or disposed of or otherwise managed, and further, because it contains lead at greater than 5 mg/l TCLP and lead has been identified by characteristic as "hazardous" pursuant to 35 Ill. Adm. Code 724.124.
- 22. Pielet, as the generator of auto fluff, a special waste and hazardous waste, was required to:
 - a) conduct waste determination testing of such auto fluff materials to determine the hazardous nature

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of the waste and also to determine whether such waste was restricted from land disposal;

- b) obtain an EPA identification number prior to disposing of their auto fluff waste material, a special waste and hazardous waste, and also to dispose of such waste at a site that has an EPA identification number;
- c) deliver such waste for transportation to a permitted waste hauler, complete and deliver to such waste hauler, the appropriate manifests for the waste, and was further required to placard or offer such waste hauler the appropriate placard according to the Department of Transportation regulations for hazardous waste.
- 23. On or before November 30, 1990, Pielet, as the generator of auto fluff, a special waste and hazardous waste, failed to:
 - a) conduct waste determination testing of such auto fluff materials to determine the hazardous nature of the waste and also to determine whether such waste was restricted from land disposal;
 - b) obtain an EPA identification number prior to disposing of their auto fluff waste material, a special waste and hazardous waste, and also to dispose of such waste at a site that has an EPA identification number;
 - c) deliver such waste for transportation to a permitted waste hauler, complete and deliver to such waste hauler, the appropriate manifests for the waste, and further failed to placard or offer such waste hauler the appropriate placard according to the Department of Transportation regulations for hazardous waste,

all in violation of Sections 722.111, 722.112(a) and (c),
722.120(a), 722.123(a), 722.133, 722.140(a), 722.141, 728.107,
728.109, 809.301, 809.302(b) and 809.501 of 35 Ill. Adm. Code.
By violating the Board Waste Disposal regulations cited herein,
Pielet also violated sections 21(d), (f) and (i) of the Act, Ill.
Rev. Stat. 1991, ch. 111-1/2, pars. 1021(d), (f) and (i).

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APPLICABILITY

This Consent Order shall apply to and be binding upon the State, Pielet and Pielet's officers, agents and employees, and the successor and assigns of each and every officer, agent and employee of Pielet. Pielet shall not raise as a defense to any action to enforce this Consent Order the failure of any of its officers, agents or employees to take such action as shall be required to comply with the provisions of this Consent Order.

IV.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Consent Order in no way affects the responsibilities of Pielet to comply with any other federal, state or local regulations, including but not limited to the Act, and the Board Rules and Regulations, 35 Ill. Adm. Code Subtitles A through H.

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VENUE

The parties agree that the venue of any action commenced in Circuit Court for the purposes of interpretation and enforcement of the terms and conditions of this Consent Order shall be in LaSalle County.

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SEVERABILITY

It is the intent of the parties hereto that the provisions of this Consent Order shall be severable and should any provisions be declared by a court of competent jurisdiction to be inconsistent with state and federal law, and therefore unenforceable, the remaining clauses shall remain in full force and effect. In the event that any provisions of this Consent Order and plans implemented herein shall be declared inconsistent with provisions of the Act, Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1001 et seq., the provisions of the Act shall be controlling.

VII.

FINAL JUDGMENT ORDER

NOW, THEREFORE, in consideration of the foregoing, and upon the consent of the parties hereto, to perform the activities to be ordered by this court, it is hereby ORDERED, ADJUDGED AND DECREED:

A. Jurisdiction

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Act.

B. Determination

Based on the foregoing statement of facts, the Court finds that Pielet violated Sections 21(d), (f) and (i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1021(d), (f) and (i), and

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Sections 722.111, 722.112(a) and (c), 722.120(a), 722.123(a), 722.133, 722.140(a), 722.141, 728.107, 728.109, 809.302(b) and 809.501 of 35 Ill. Adm. Code as described in the complaint at the times stated in the complaint.

c. Objective

The objective of this Consent Order is to have an enforceable order to ensure the implementation of the terms hereof, to
achieve complete cleanup of the site, to assure the protection of
public health, safety, welfare and the environment, and compliance with the Act, Board Waste Disposal Regulations, the
Federal Response Conservation and Recovery Act and any applicable
relevant rules and regulations or plans promulgated thereunder.

D. Terms of Settlement

- 1. Effective immediately Pielet shall institute all actions necessary to achieve the prompt remediation of the site.

 To achieve this objective:
 - a) On or before April 1, 1992, Pielet retained the services of Eldredge Engineering Associates Inc. to assess the site and to formulate a corrective action plan ("CAP") to provide for the proper removal and disposal of the autofluff waste material on the site;
 - b) On April 7, 1992, Pielet presented to the Agency and the Attorney General a CAP for review and approval;
 - c) On May 27, 1992, the Agency established cleanup objectives for the site, to be incorporated into said CAP;
 - d) On July 9, 1992, the Agency approved the CAP;

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- e) Prior to instituting any of the cleanup measures outlined in the CAP, Pielet shall obtain samples of the auto fluff waste material on the site and shall have waste characterization testing performed on such waste;
- f) The result from the testing of the auto fluff from the samples obtained pursuant to Section VII D.1.(e) above, shall be provided to the State within fourteen (14) days of Pielet's receipt of such results;
- g) On or before November 1, 1992, Pielet retained the services of a qualified site remediation contractor to conduct all of the remediation activities outlined in the CAP.
- 2. Pielet shall apply for and obtain any and all required permits and authorizations necessary for the cleanup of the site and the proper disposal of the auto fluff waste material on the site.
- 3. The site remediation contractor shall upon consultation with Ashley Trucking properly perform all activities required pursuant to the CAP and the Agency established cleanup objectives for the site. (A copy of the CAP and the site cleanup objectives are attached hereto and incorporated herein as Exhibit A).
- 4. Within ninety (90) days of entry of the Consent Order, Pielet shall have completed all cleanup activities necessary, at the site, in accordance with the State approved CAP.
- 5. Within seven (7) days of completion of all cleanup activities at the site, Pielet shall conduct post cleanup soil sampling to determine the effectiveness of their cleanup activities at the site, according to the following protocol:

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- i) soil samples shall be obtained from the bottom of the excavated areas and be analyzed for the following parameters using the Toxicity Characteristic Leaching Procedure ("TCLP") where indicated:
 - barium (TCLP)
 - cadmium (TCLP)
 - lead (TCLP)
 - polychlorinated biphenyls
 - tetrachloroethylene
 - 1,1-dichloroethane
 - 1,2-dichloroethane
 - trans-1,2-dichloroethylene
 - cis-1,2-dichloroethylene
 - vinyl chloride
 - 1,1-dichloroethylene
 - methylene chloride
 - trichlorofluoromethane
 - chloroform:
- ii) Pielet shall provide to the State a copy of all sampling results obtained herein, within fourteen (14) days of Pielet's receiving said results.
- iii) if the sampling results obtained herein indicate that the level of the parameters identified above are at or below the Agency's established levels for those parameters, (as indicated in Table 2 of the soil cleanup objective attached hereto), no further cleanup of the site will be necessary;
- iv) if however, the results show that the remaining soil exhibits levels above the soil cleanup objectives for this site, the parties will meet within thirty (30) days of the

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date the soil sampling results were obtained, to discuss and determine future corrective actions to be instituted at the site;

- subject to Sections I and J below, V) if it is determined that further remediation of the site is warranted, thirty (30) days from the date such decision is made, Pielet shall provide to the State a work plan for such remediation activities for review and approval. The work plan shall include a detail of all remediation activities to be conducted by Pielet at this site and the dates on which all said activities will be performed. The plan shall also state the date on or by which full and complete remediation of this site shall be achieved;
- any and all work plans required vi) pursuant to paragraph VII D.5. above that are approved by the State for implementation by Pielet, shall be filed by the State with this Court, as an amendment to this Consent Order, within fourteen (14) days of the date of the approval notification. Pielet shall implement the work plan in accordance with the schedule contained therein and shall complete all necessary remediation of the site required pursuant to paragraph VII D.5. above, on or before the remediation completion date contained in any and all remediation work plan(s) filed with this Court.
- 6. Pielet shall conduct all sampling events required herein, in accordance with recognized and approved sampling techniques as outlined in the United States Environmental Protection Agency ("USEPA") publication SW-846, and shall utilized a licensed analytical laboratory that uses the analytical methods outlined in USEPA's SW-846.

- 7. Within thirty (30) days of completion of all activities required by the CAP, and all activities required pursuant to pursuant to paragraph VII D. 5 above, the remediation contractor shall prepare a Corrective Action Report. This report shall outline among other things, the cleanup procedures used, include laboratory results, copies of all manifests for the materials removed from the site and all conclusions made relative to the completeness and effectiveness of the cleanup of the site. This report shall be provided to the State and to Pielet within seven (7) of its completion.
- 8. Effective immediately, Pielet shall at all times properly manifest all shipments of auto fluff material and any other industrial process and/or hazardous waste material transported from their facility.
- 9. Effective immediately, Pielet shall at all times deliver all shipments of auto fluff material and any other industrial proces and/or hazardous waste materials for disposal, treatment or storage, to a waste hauler licensed to transport such waste.
- duct appropriate waste characterization sampling of all auto fluff material and any other industrial process and/or hazardous waste materials for disposal, prior to the disposal of such auto fluff material and any other industrial process and/or hazardous waste materials, in accordance with all applicable State law.

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11. Effective immediately, Pielet shall at all times dispose of all shipments of auto fluff material and any other industrial process and/or hazardous waste material from their facility, at a permitted facility.

E. Penalty

Pielet shall pay a penalty of \$70,000.00 into the Illinois Environmental Protection Trust Fund. Such penalty amount shall be paid in installments according to the following payment schedule:

Penalty Demand	Time Period
\$40,000.00	30 days after entry of the consent order.
\$30,000.00	60 days after entry of the consent order.

The checks are to be mailed directly to:

Illinois Environmental Protection Agency Environmental Trust Fund Fiscal Services Division 2200 Churchill Road P.O. Box 19276 Springfield, Illinois 62794-9276

The name and number of the case, and Pielet's Federal Employee Identification Number ("FEIN") shall appear on the face of the checks. Pielet's FEIN is 36-3578019.

F. Cease and Desist

Pielet shall cease and desist from violation of the Act, any and all of the 35 Ill. Adm. Code, Subtitle A-H, and any and all local and federal laws and regulations. Pielet shall at all

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times perform the appropriate and relevant testing of its auto fluff waste material prior to shipping of such auto fluff waste material for disposal; shall only utilize the services of waste haulers that are permitted to transport hazardous or special waste for the transporting of their auto fluff waste material; shall properly manifest all shipments of auto fluff waste material and shall dispose of all auto fluff waste material at-a permitted facility, so as to prevent violation of the Act and the Board Waste Disposal Regulations and the Resource Conservation and Recovery Act in accordance with the Terms of Settlement set forth in Section D.

G. Correspondences and Reports

1. All correspondence(s) documents, notifications, reports, plans, scope of work, studies, and any other documentation required by this Consent Order shall be submitted in writing and sent by certified mail or any other form of mail delivery which records the date of receipt, to the Attorney General, the LaSalle County State's Attorney and the Agency at the addresses which appear below or to such other addresses which the Attorney General, the Agency, and the LaSalle County State's Attorney may hereafter designate in writing.

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Paul Jagiello Assistant Counsel Illinois EPA 1701 S. First Avenue Maywood, IL 60153

Howard Chinn Chief Engineer Illinois Attorney General's Office 100 W. Randolph Street Chicago, Illinois 60601 RoseMarie Cazeau Assistant Attorney General Environmental Control Division 100 W. Randolph St., 12th Flr. Chicago, Illinois 60601

Robert Eschbach Special Assistant State's Attorney 716 Columbus Street Ottawa, Illinois 61350

H. Right of Entry

In addition to any other authority, the Agency, its employees and representatives, the Attorney General, his agents and representatives and the State's Attorney of LaSalle County, his agents and representatives, shall have the right of entry into and upon Pielet's facility at all reasonable times for the purposes of carrying out inspections including taking photographs, collecting samples, collecting information, and enforcing the terms of this Consent Order.

I. Force Majeure

- is defined as any event arising from causes beyond the control of Pielet which delays or prevents the performance of any obligation under this Consent Order. "Force Majeure" shall not include increased costs or expenses associated with performance of the obligations under this Consent Order.
- 2. When an event occurs which will delay the timely completion of any obligation under this Consent Order, whether or not caused by a "force majeure" event, Pielet shall promptly notify the State in writing within forty-eight (48) hours of the

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occurrence of the event. Within ten (10) days of the occurrence of the event which Pielet contends will be responsible for a delay, Pielet shall also supply to the State, in writing, the reason(s) for and anticipated duration of such delay, the measures taken and to be taken by Pielet to prevent or minimize the delay, and the timetable for implementation of such measures. Failure to give the 48-hour notice to the State and/or to give the 10-day follow-up written explanation to the State in a timely manner shall constitute a waiver of any claim of force majeure.

- 3. If within thirty (30) days of the date of Pielet's 48-hour notification, the State agrees that a delay is or will be attributable to a "force majeure" event, the parties shall modify the relevant schedules to provide such additional time as may be necessary to allow the completion of the specific obligation.
- 4. If the State and Pielet cannot agree whether the reason for the delay was a "force majeure" event, or whether the duration of the delay is or will be warranted under the circumstances, Pielet may invoke the Dispute Resolution provisions of paragraph VII.J. of this Consent Order. Pielet has the burden of proving force majeure by a preponderance of the evidence as a defense to compliance with this Consent Order.

J. <u>Dispute Resolution</u>

The parties shall use their best efforts to resolve all disputes or differences of opinion arising with regards to this Consent Order informally and in good faith. If however, disputes arise concerning this Consent Order which the parties are unable

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to resolve informally, either party may, by written motion, request that an evidentiary hearing be held before the LaSalle County Circuit Court to resolve the dispute between the parties.

Pielet shall have the burden of persuasion, by a preponderence of the evidence, that the State's decisions, and/or requirements, are arbitrary and capricious and are not in accordance with the objectives and terms of this Consent Order.

K. Discharge of Liability

In consideration of Pielet's payment of a \$70,000.00 penalty and the actions Pielet has taken to date and upon completion of the remediation pursuant to this Consent Order, and commitment to refrain from further violations of the Act, the State releases, waives and discharges Pielet from known violations of the Act which were the subject matter of the Complaint herein.

However, nothing in this Consent Order shall be construed as a waiver by the State of the right to redress future violations of the Act, the Board Regulations or this Consent Order, or obtain penalties with respect thereto.

Ashly Trucking Co., Inc., Corrine Bruno, Pat Plumeri and Randall Rodrick the other defendants named in the complaint, are not parties and/or signatories to this Consent Order. This Consent Order and the release from liability applies only to defendants Pielet Bros. Scrap Iron and Metal Limited Partneship, Pielet/Tang Enterprises, Inc. now known as S. D. Metals, Inc. and

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James Pielet, and shall not be construed as a release of any other defendant in this cause of action.

L. Enforcement of Consent Order

Upon the entry of this Consent Order, any party hereto upon motion may reinstate these proceedings solely for purposes of enforcing the terms and conditions of this Consent Order. This Consent Order is a binding and enforceable Order of the Court and may be enforced as such through any and all available means.

	PEOPLE OF THE STATE OF ILLINOIS <u>ex rel</u> . ROLAND W. BURRIS, Attorney General of the State of Illinois
Dated: 1//5/93	By: Matthe June MATTHEW J. DUNN, Chief Environmental Control Division. Assistant Attorney General
Dated: 11/8/93	PEOPLE OF THE STATE OF ILLINOIS, ex rel. JOSEPH R. NAVARRO, State's Attorney of LaSalle County By: ROBERT M. ESCHBACH Special Assistant State's Attorney
Dated: 1//5/93	JOSEPH E. SVOBODA General Counsel PIELET BROS. SCRAP IRON & METAL LIMITED PARTNERSHIP, a limited partnership
Dated: October 14, 1993	By: George Semenek, Secretary, S.D. Metals, Inc., General Partne

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Dated: October 14, 1993

Dated: October 14, 1993

By: George Semenek, Secretary S. D. METALS, INC.

JAMES PIELET

By: **

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S. D. METALS, INC.

ENTERPRISES, INC.,

formerly known as PIELET/TANG

an Illinois corporation and general partner of PIELET BROS.

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^{**} See Counterpart Signature Page

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S. D. METALS, INC.
formerly known as PIELET/TANG
ENTERPRISES, INC.,
an Illinois corporation and
general partner of PIELET BROS.
SCRAP IRON & METAL LIMITED
PARTNERSHIP, a limited
partnership

Dated: October 14, 1993

George Semenek, Secretary S. D. METALS, INC.

JAMES PIELET

Dated: October 14, 1993

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CORRECTIVE ACTION PLAN

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Phone # 708 / 594 - 7/7/	Phone # 767 /594	/ <i>-7/7/</i>
PERSON(S) INTERVIEWED	TITLE	PHONE #
Terry Coogan	Attorney	708/-594-7171
Don Gottschlich		708/544-7171
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INSPECTION PARTICIPANT(S)	AGENCY/TITLE	PHONE #
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Midwest Metallics L. P.
(Formerly known as Pielet Brothers Scrap Iron & Metal, Inc.)

-NARRATIVE

On October 6, and 7, 1993, I conducted a complaint investigation and a CEI inspection. The complainant indicated the company is storing solid waste without a permit. The following individuals were interviewed at the site: Terry Coogan and Don Gottschlich of Midwest Metallics L. P.

Midwest Metallics L. P recycles automobiles into scrap iron and metal utilizing one hammermill shredder. Ninety percent of the scrap is from automobiles and the other ten percent is from white goods. After using a magnet to separate the ferrous metal from the non-ferrous metal the auto fluff is processed utilizing the Rising Current System, and than the Heavy Separation process were the separation of the light auto fluff from the metal fraction occurs. In the near future Midwest Metallics L. P. will be constructing a new system (Eddy Current System) to further recover the 6% of ferrous metal remaining in the auto fluff located on-site.

A change in ownership occurred in August of 1993 (S. D. Metals, Inc./general partner, National Material L. P./limited partner, and M. T. 2, Inc./limited partner). The legal name of the site has changed from Pielet Brothers Scrap Iron & Metal, Inc. to Midwest Metallics L. P.

WASTE STREAMS

AUTO FLUFF - Non-hazardous special waste.

This waste is generated from the mechanical separation of ferrous and non-ferrous metals.

700,000 - 800,000 cubic yards are located on-site in waste piles. There are three waste piles containing auto fluff. Two waste piles are located on the east side of the 31 acre site, which the company indicates have been there for over 3 years. The other waste pile of auto fluff is located northwest of the shredder, this pile has been on-site for approximately 4 months.

The last shipment of auto fluff was June 29, 1993 to CID Landfill for disposal. The auto fluff was shipped as a non-hazardous special waste using an Illinois manifest. Auto fluff is shipped to CID under special waste stream authorization #900109 which is valid from February 22, 1990 - February 22, 1995.

Approximately 200,000 cubic yards of auto fluff was shipped to H. H. Enterprises, Gary, Indiana for further processing. The auto fluff was not shipped using a manifest. Recently the auto fluff at the Gary facility ignited and caused an evacuation of the residents around the site. H. H. Enterprises is no longer in business. Midwest Metallics L. P. was identified as a potential responsible party and is presently working with the USEPA (Tony Silbasi - TSCA) on remediating the site.

Approximately 3,000 cubic yards of auto fluff is generated every month.

CID is no longer accepting auto fluff for disposal.

On or around September 28, 1993, twelve grab samples were taken from the waste pile of auto fluff which was going to CID. Five of twelve samples were slightly above the TCLP regulatory level for lead (5.0 ppm).

WASTEWATER - The company has not made a hazardous waste determination.

This waste is generated from three different processes. 1) Shredding of automobiles and white goods 2) Rising current system and 3) Heavy separation process.

Wastewater is discharged to an on-site pond located on the northwest corner of the site. The pond is approximately 300 feet long by 100 feet wide, and constructed of earthen materials. Wastewater is reused in the above processes.

The following apparent violations were observed:

- 1) 722.111 a hazardous waste determination was not made for the wastewater.
- 2) 811.315(A) failed to conduct a hydrogeologic investigation for the two waste piles located on the east side of the 31 acre site.

Wastewater is a solid waste: wastewater is discarded by being abandoned. Abandoned - accumulated before or in lieu of being disposed. Disposal - means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Auto fluff is a solid waste: auto fluff is discarded by being abandoned or recycled. Auto fluff is accumulated before recycling in a manner which constitutes disposal.

Waste pile - an area which non-containerized masses of solid wastes are placed for disposal. A waste pile is a landfill, unless the operator can demonstrate that the wastes are not accumulated over time for disposal. At a minimum, such demonstration shall include photographs, records or other observable or discernable information, maintained on a yearly bases, that show that within the preceding year the waste has been removed for utilization or disposal.

A hydrogeologic investigation shall be conducted prior to submission of any application to the Agency for a permit to develop and operate a landfill facility.



STATE OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

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Jelet Bros. Scra	pIron + Metal
USEPA ID # FOS Date Recvd: 9\22\93	Complaint #: C <u>94 - O80 N</u> By Phone: In Person: By Mail: <u>x</u>
Complainent: Village cls	Simmit thru Rep. David Respondent: Pielet Bros Scrap From Me
Address: McAfee	Address: 7955 W. 5775 Street
Telephone: Directions to Source:	
Complaint Details: Se (auto fluff). In file.	exceptable Unpermitted storage of a solid waste wastegation results to Tom Walters, IEPH Spfld as well as to
	INVESTIGATION FINDINGS
	-93 Time From: 2:30pm To: 4:30pm Gina Bruni Inspector Photos Congan = Don Gottschlich Weather: Sunny 500F
	RCRA INSPECTION REPORT
The A	Following individuals were notified on er 3, 1993, Regarding the investigation findings:
Represe	entative Mc Afee
Mayor	Kluszewski (Village of Summit) JAltens (IEPA SpFId.).
<pre>Jmplainent Notified o CC: Northern Region</pre>	of Findings? Yes: No: Findings Entered into Computer:

Tom Walters (Spfld.)

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#: 93-091

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEME
We make Indiana a cleaner, healthier place to live



Evan Bayh Governor Kathy Prosser Commissioner

105 South Meridian Street P.O. Box 6015 Indianapolis, Indiana 46206-6015 Telephone 317-232-8603 Environmental Helptina 1-800-451

March 18, 1993

RECEIVED IN THE OFFICE OF THE DIRECTOR

MAR 2 2 1993

Mary Gade, Director Illinois EPA 2200 Churchill Road P. O. Box 19276 Springfield, IL 62794-9276

Dear Director Gade.

I have recently learned of an apparent communication problem between our two agencies that is cause for serious concern. We have reason to believe that in the summer of 1991 your staff was aware of but did not communicate that hazardous wastes from a site in Illinois were being dumped at H & H Enterprises, a Gary, Indiana, facility. Proper communication between our agencies might have assisted IDEM in its efforts to close the site.

IDEM has been working for many months to close the H & H facility. In September 1992, USEPA and IDEM discovered high levels of PCB's and lead in the material being dumped at the Gary site. We immediately sought an injunction to close the facility, which was granted in December 1992.

My staff has confirmed, however, that as early as June 1991, your staff inspectors were aware that waste being transported from Pielet Brothers Scrap Iron Company in Illinois to the H & H facility in Indiana was hazardous. Additionally, inspection reports indicate that your staff observed releases of hazardous waste along Indiana highways. Through our initial investigation, we can find no record at USEPA or IDEM that IEPA notified us about this contaminated waste or their observations.

I am concerned about the apparent lack of coordination between our agencies. If IDEM staff had been advised in June 1991 that the material being dumped at the Gary site was hazardous, we might have responded differently to eliminate a serious public health threat. Prior to September 1992, we had undertaken regulatory action to close the site as an open dump, not a hazardous waste facility. An earlier response might have averted the fire at that site last month, which forced the evacuation of area residents and caused a persistent health hazard.

I know we both desire effective communication and cooperation between our agencies and have been pleased with the progress we have made on many areas of joint concern. This incident, however, demonstrates that coordination at the staff level requires serious attention. I ask that you investigate this situation further, and that we work together to bring about increased cooperation between our staffs. I look forward to discussing this matter with you. Thank you in advance for your attention and concern.

Sincerely,

Kathy Prosser Commissioner

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To 1 1 C From

Co. Co.

Dept. Phone *

Fax #

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDIC L C LASALLE COUNTY, ILLINOIS IN CHANCERY OCT

OCT 28 1992

PEOPLE OF THE STATE OF ILLINOIS, ex rel. ROLAND W. BURRIS, Attorney General of the State of Illinois, and ex rel. JOSEPH R. NAVARRO, State's Attorney of LaSalle County,

Plaintiffs,

-vs-

PIELET BROS. SCRAP IRON & METAL LIMITED PARTNERSHIP, a limited partnership, PIELET/TANG ENTERPRISES INC., an Illinois corporation and general partner of PIELET BROS. SCRAP IRON and METAL LIMITED PARTNERSHIP, a limited partnership, JAMES PIELET, individually and as President of PIELET/TANG ENTERPRISES INC., ASHLY TRUCKING CO., INC., an Illinois corporation, CORRINE BRUNO, individually and as President of ASHLY TRUCKING CO., INC., C. PAT PLUMERI and RANDALL RODRICK,

Defendants.

Pale f. Stockley

LA SALLE COUNTY CIRCUIT GERK

THIRTEENTH JUDICIPI CIRCUIT GERK

NO. -92. CH-117

Judge 204

COMPLAINT FOR INJUNCTION AND CIVIL PENALTIES

Plaintiff, People of the State of Illinois, ex rel. ROLAND W. BURRIS, Attorney General of the State of Illinois, and JOSEPH R. NAVARRO, State's Attorney of LaSalle County, complain of Defendants, PIELET BROS. SCRAP IRON & METAL LIMITED PARTNERSHIP, a limited partnership, PIELET/TANG ENTERPRISES Inc., an Illinois corporation and general partner of PIELET BROS. SCRAP IRON and

ILD 054348974

METAL LIMITED PARTNERSHP, JAMES PIELET, individually and as President of PIELET/TANG ENTERPRISES INC., ASHLY TRUCKING CO. INC., an Illinois corporation, CORRINE BRUNO, individually and as President of ASHLY TRUCKING CO. INC., C. PAT PLUMERI, and RANDALL RODRICK, as follows:

I. VIOLATIONS BY PIELET AND PIELET/TANG

COUNT I

FAILURE TO PERFORM HAZARDOUS WASTE DETERMINATION

- 1. This Complaint is brought on behalf of the People of the State of Illinois, by Roland W. Burris, Attorney General of the State of Illinois, on his own motion and upon the request of the Illinois Environmental Protection Agency ("Agency") and by Joseph R. Navarro, State's Attorney of LaSalle County, on his own motion pursuant to the terms and provisions of Sections 42(d) and (e) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1042(d) and (e).
- 2. At all times relevant to this complaint, Defendant, Pielet Bros. Scrap Iron & Metal Limited Partnership, ("Pielet Bros.") is a limited partnership, doing business in the State of Illinois, at premises located at 7955 W. 59th Street, Argo, Cook County, Illinois ("plant") and is engaged in the automobile shredding business.

- 3. At all times relevant to this complaint, Defendant, Peilet/Tang Enterprises Inc., ("Pielet/Tang") an Illinois corporation, was and is the general partner and in control of Defendant, Pielet Bros. Scrap Iron & Metal Limited Partnership.
- 4. At all times relevant to this complaint, Defendant, James Pielet, was and is the president of Pielet/Tang Enterprises Inc., the general partner of Pielet Bros. Scrap Iron & Metal Limited Partnership. On information and belief, James Pielet is responsible for and in control of the operations and activities of Pielet Bros. Scrap Iron & Metal Limited Partnership.
- 5. At all times relevant to this complaint, Defendant, Ashly Trucking Co., Inc., ("Ashly Trucking") is an Illinois corporation, doing business in the State of Illinois, at premises located at 4701 Cumberland Avenue, Norridge, Cook County, Illinois, and is engaged in the business of providing commercial transportation services.
- 6. At all times relevant to this complaint, Defendant, Corrine Bruno ("Bruno") was and is the president of Ashly Trucking Co. Inc., and is responsible for and in control of the operations and activities of Ashly Trucking Co. Inc.
- 7. At all times relevant to this complaint, Defendant, C. Pat Plumeri ("Plumeri") was and is the general manager of Ashly Trucking Co. Inc. and is responsible for the daily management and operations of Ashly Trucking Co., Inc.

- 8. Defendants, Pielet Bros., Pielet/Tang and James Pielet shall hereinafter be referred to collectively as "Pielet".
- 9. Defendants, Ashly Trucking, Bruno and Plumeri shall hereinafter be referred to collectively as "Ashly".
- 10. On or before November 29, 1990, or a date better known to Defendants, Pielet, and Ashly, Defendants, Pielet, caused of allowed large quantities of waste known as auto fluff generated from their automobile shredding operation, to be transported from their plant by Defendants, Ashly, and dumped or disposed on residential property located at 177 West Second Street, Streator, LaSalle County, Illinois, ("site").
- 11. At all times relevant to this complaint, Defendant,
 Randall Rodrick, was and is the owner of said residential property located at 177 West Second Street, Streator, LaSalle County,
 Illinois, the site on which the waste known as auto fluff was
 dumped or disposed. As the owner of the site, Defendant, Randall
 Rodrick, is a necessary party to the action herein.
- ducted an investigation and inspection of the site. Such investigation and inspection revealed the existence of a quarry hole at the rear of the site. Further, the quarry hole emitted a strong solvent odor and was found to be filled with said auto fluff material measuring 80 feet wide, 40 feet long and approximately 5 feet high. The Agency's investigation also revealed

that this material was generated at the plant and had been transported to the site by Ashly pursuant to an oral agreement between Pielet and Ashly.

- 13. On December 5, 1990, an inspector from the Agency collected samples of the auto fluff found at the site. Laboratory analysis of this waste using the Toxicity Characteristic Leaching Procedure ("TCLP"), showed lead levels of 10.56 mg/l.
- 14. Sections 3.08 and 3.15 of the Act, Ill. Rev. Stat.

 1991, ch. 111-1/2, pars. 1003.08 and 1003.15, provide the following definitions:

"DISPOSAL" means the discharge deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

"HAZARDOUS WASTE" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations.

15. Section 721.102 of the Pollution Control Board ("Board") Waste Disposal Regulations, 35 Ill. Adm. Code 721.102, titled, Definitions of Solid Waste, provides as follows:

- a) 1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.
 - 2) A discarded material is any material which is:
 - A) Abandoned, as explained in subsection (b); or
 - B) Recycled, as explained in subsection (c); or
 - C) Considered inherently wastelike, as explained in subsection (d).
- b) Materials are solid waste if they are abandoned by being:
 - Disposed of; or
 - 2) Burned or incinerated; or
 - Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.
- 16. Section 721.124 of the Board Waste Disposal Regulations, 35 Ill Adm. Code 721.124, titled, <u>Toxicity Characteristic</u>, provides in pertinent part as follows:
 - b) A solid waste that exhibits the characteristic of toxicity, but is not listed as a hazardous waste in Subpart D, has the USEPA Hazardous Waste Number specified in the following table which corresponds to the toxic contaminant causing it to be hazardous.

MAXIMUM CONCENTRATIONS OF CONTAMINANTS FOR THE TOXICITY CHARACTERISTIC

USEPA HAZARDOUS WASTE NUMBER	CONTAMINANT	Regulatory level note (mg/l)
	* * *	•
D008	LEAD	5.0
	* * *	

- at their plant, and which was dumped or disposed on the site, is "solid waste" as that term is defined at 35 Ill. Adm. Code 721.102, and "hazardous waste" as that term is defined at Section 3.15 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.15, because it is discarded material and its physical and chemical characteristics pose a substantial and potential hazard to human health and the environment when improperly transported or disposed of or otherwise managed, and further, because it contains lead at greater than 5 mg/l and lead has been identified by characteristic as "hazardous" pursuant to 35 Ill. Adm. Code 724.124.
- 18. Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch.
 111-1/2, par. 1021(i), provides as follows:

No person shall:

i. Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards

adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act.

19. Section 722.111 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.111, titled, <u>Hazardous Waste Determination</u>, provides as follows:

A person who generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, shall determine if that waste is a hazardous waste using the following method:

- a) The person should first determine if the waste is excluded from regulation under 35 Ill. Adm. Code 721.104.
- b) The person should then determine if the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721 Subpart D.
- 20. Defendants, Pielet, are required to determine if the auto fluff, a solid waste generated from their automobile shredding business, is a hazardous waste, pursuant to Section 722.111 of 35 Ill. Adm. Code.
- 21. Section 722.111 of 35 Ill. Adm. Code was adopted by the Board under subsections (a) and (c) of Section 22.4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1022.4(a) and (c).
- 22. On or before November 29, 1990, or a date better known to Defendants, Pielet, and continuing until the filing of this complaint, Defendants, Pielet, failed to determine if the solid waste called auto fluff that they generated from their automobile shredding business, is hazardous waste.
- 23. By failing to perform hazardous waste determination, Defendants, Pielet, violated 35 Ill. Adm. Code 722.111 and,

thereby, violated Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i).

24. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count I:

- 1. Finding that Defendants, Pielet, have caused or allowed violations of Section 21(i) of the Act and Section 722.111 of 35 Ill. Adm. Code;
- 2. Enjoining Defendants, Pielet, from further violations of Section 21(i) of the Act and Section 722.111 of 35 Ill. Adm. Code;
- 3. Ordering Defendants, Pielet, to take the necessary corrective actions which will result in a final and permanent abatement of the violations of the Act and the Board Waste Disposal Regulations cited above, including conducting waste analyses and following such analyses, the removal of all waste from the site to a permitted facility; following such removal of all waste, performing soil and groundwater testing to determine the nature and extent of any contamination at and from the site;

- 4. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;
- 5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Pielet; and
- 6. Granting such other relief as this court deems appropriate and just.

COUNT II

FAILURE TO OBTAIN AN EPA IDENTIFICATION NUMBER PRIOR TO DISPOSING OF HAZARDOUS WASTE

- 1-18. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count II.
- 19. Section 722.112(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(a), titled, <u>USEPA Identification</u>
 Numbers, provides as follows:

A generator must not treat, store, dispose of, transport or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.

20. Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12, provides the following definition:

"GENERATOR" when used in connection with hazardous waste means any person whose act or process produces hazardous waste.

- 21. Defendants, Pielet, are generators as that term is defined in Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12. Defendants', Pielet's, automobile shredding operation generates auto fluff, a hazardous waste.
- 22. As generators, Defendants, Pielet, were required to obtain an EPA identification number from the Agency prior to disposing of, or offering for transportation waste known as auto fluff, a hazardous waste, pursuant to Section 722.112(a) of 35 Ill. Adm. Code.
- 23. Section 722.112(a) of 35 Ill. Adm. Code was adopted by the Board under subsections (a) and (c) of Section 22.4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1022.4(a) and (c).
- 24. On or before November 29, 1990, or a date better known to Defendants, Pielet, Defendants, Pielet, offered for transportation and disposed of their waste known as auto fluff, a hazardous waste, without having received an EPA identification number from the Agency.
- 25. By failing to obtain an EPA identification number prior to offering their hazardous waste for transportation and disposing of their hazardous waste, Defendants, Pielet, violated 35 Ill. Adm. Code 722.112(a) and, thereby, violated Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i).
- 26. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and

until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count II:

- 1. Finding that Defendants, Pielet, have caused or allowed violations of Section 21(i) of the Act and Section 722.112(a) of 35 Ill. Adm. Code;
- 2. Enjoining Defendants, Pielet, from further violations of Section 21(i) of the Act and Section 722.112(a) of 35 Ill. Adm. Code;
- 3. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;
- 4. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Pielet; and
- 5. Granting such other relief as this court deems appropriate and just.

COUNT III

DISPOSING OF HAZARDOUS WASTE AT A FACILITY NOT HAVING AN EPA IDENTIFICATION NUMBER

1-18. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count III.

19. Section 722.112(c) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(c), titled, <u>USEPA Identification</u>
Numbers, provides as follows:

A generator must not offer his hazardous waste to transporters or to treatment, storage or disposal facilities that have not received an EPA identification number.

20. Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12, provides the following definition:

"GENERATOR" when used in connection with hazardous waste means any person whose act or process produces hazardous waste.

- 21. Defendants, Pielet, are generators as that term is defined in Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12. Defendants', Pielet's, automobile shredding operation generates auto fluff, a hazardous waste.
- 22. As generators, Defendants, Pielet, were prohibited from offering their waste called auto fluff, a hazardous waste, to transporters or to disposal facilities that did not have an EPA identification number, pursuant to Section 722.112(c) of 35 Ill. Adm. Code.
- 23. Section 722.112(c) of 35 Ill. Adm. Code was adopted by the Board under subsections (a) and (c) of Section 22.4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1022.4(a) and (c).
- 24. On or before November 29, 1990, or a date better known to Defendants, Pielet, Defendants, Pielet, offered their waste called auto fluff, a hazardous waste, to a transporter or a disposal facility that did not have an EPA identification number.

- 25. By offering their hazardous waste to a transporter or a hazardous waste disposal facility not having an EPA identification number, Defendants, Pielet, violated 35 Ill. Adm. Code 722.122(c) and, thereby, violated Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i).
- 26. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count III:

- 1. Finding that Defendants, Pielet, have caused or allowed violations of Section 21(i) of the Act and Section 722.112(c) of 35 Ill. Adm. Code;
- 2. Enjoining Defendants, Pielet, from further violations of Section 21(i) of the Act and Section 722.112(c) of 35 Ill. Adm. Code;
- 3. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;
- 4. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the Defendants, Pielet; and

5. Granting such other relief as this court deems appropriate and just.

COUNT IV

HAZARDOUS WASTE MANIFEST VIOLATIONS

- 1-18. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count IV.
- 19. Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.120(a), titled, General Requirements, provides as follows:

A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage or disposal must prepare a manifest before transporting the waste offsite.

20. Section 722.123(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.123(a), titled, <u>Use of the Manifest</u>, provides as follows:

The generator shall:

- Sign the manifest certification by hand; and
- 2) Obtain the handwritten signature of the initial transporter and date of acceptance of the manifest; and
- 3) Retain one copy, in accordance with Section 722.140(a); and
- 4) Send one copy of the manifest to the Agency within two working days.

21. Section 722.140(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.140(a), titled, Recordkeeping, provides as follows:

A generator must keep a copy of each manifest signed in accordance with Section 722.123(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

22. Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12, provides the following definition:

"GENERATOR" when used in connection with hazardous waste means any person whose act or process produces hazardous waste.

- 23. Defendants, Pielet, are generators as that term is defined in Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12. Defendants', Pielet's, automobile shredding operation generates auto fluff, a hazardous waste.
- 24. As generators, Defendants, Pielet, were required to prepare a manifest before offering for transportation, or transporting for off-site disposal, their auto fluff, a hazardous waste, and was further required to keep a copy of each manifest signed in accordance with 35 Ill. Adm. Code 722.123(a) for three years.
- 25. Sections 722.120(a), 722.123(a) and 722.140(a) of 35

 Ill. Adm. Code were adopted under subsections (a) and (c) of Section 22.4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1022.4 (a) and (c).

- 26. On or before November 29, 1990, or a date better known to Defendants, Pielet, Defendants, Pielet, failed to prepare a manifest before offering for transportation or transporting hazardous waste off-site. Further, Defendants, Pielet, failed to keep a copy of any manifest signed in accordance with 35 Ill. Adm. Code 722.123(a) for three years.
- 27. By failing to prepare a manifest prior to offering for transportation or transporting their waste called auto fluff, a hazardous waste, off-site, and failing to keep a copy of such manifest for three years, Defendants, Pielet, violated 35 Ill.

 Adm. Code 722.120(a), 722.123(a) and 722.140(a) and, thereby, for each regulation violated, also violated Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i).
- 28. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count IV:

1. Finding that Defendants, Pielet, have caused or allowed violations of Section 21(i) of the Act and Sections 722.120(a), 722.123(a) and 722.140(a) of 35 Ill. Adm. Code;

- 2. Enjoining Defendants, Pielet, from further violations of Section 21(i) of the Act and Sections 722.120(a), 722.123(a) and 722.140(a) of 35 Ill. Adm. Code;
- 3. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;
- 4. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Pielet;
 and
- 5. Granting such other relief as this court deems appropriate and just.

COUNT V

PLACARD REQUIREMENT VIOLATION

- 1-18. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count V.
- 19. Section 722.133 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.133, titled, <u>Placarding</u>, provides as follows:

Before transporting hazardous waste or offering hazardous waste for transportation offsite, a generator must placard or offer the initial transporter the appropriate placards according to Department of Transportation regulations for hazardous materials under 49 CFR Part 172, Subpart F. (Amended 4/8/82)

20. Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12, provides the following definition:

"GENERATOR" when used in connection with hazardous waste means any person whose act or process produces hazardous waste.

- 21. Defendants, Pielet, are generators as that term is defined in Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12. Defendants', Pielet's, automobile shredding operation generates auto fluff, a hazardous waste.
- 22. As generators, Defendants, Pielet, were required to placard or offer the initial transporter the appropriate placards before transporting or offering their hazardous waste for transportation off-site, pursuant to Section 722.133 of 35 Ill. Adm. Code.
- 23. Section 722.133 of 35 Ill. Adm. Code was adopted by the Board under subsections (a) and (c) of Section 22.4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1022.4(a) and (c).
- 24. On or before November 29, 1990, or a date better known to Defendants, Pielet, Defendants, Pielet, failed to placard or offer the appropriate placards to the initial transporter, prior to transporting or offering for transportation their waste called auto fluff, a hazardous waste, off-site.
- 25. By failing to placard or offer to the initial transporter the appropriate placards prior to transporting or offering their hazardous waste for transportation, Defendants, Pielet, violated 35 Ill. Adm. Code 722.133 and, thereby, violated Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i).

26. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count V:

- Finding that Defendants, Pielet, have caused or allowed violations of Section 21(i) of the Act and Section 722.133 of 35
 Adm. Code;
- 2. Enjoining Defendants, Pielet, from further violations of Section 21(i) of the Act and Section 722.133 of 35 Ill. Adm. Code;
- 3. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;
- 4. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Pielet; and
- 5. Granting such other relief as this court deems appropriate and just.

COUNT VI

ANNUAL REPORTING VIOLATION

- 1-18. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count VI.
- 19. Section 722.141 of the Board Waste Disposal Regula- tions, 35 Ill. Adm. Code 722.141, titled, Annual Reporting, provides in pertinent part as follows:
 - a) A generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States shall prepare and submit a single copy of an annual report to the Agency by March 1 for the preceding calendar year. The annual report must be submitted on a form supplied by the Agency, and must cover generator activities during the previous calendar year, and must include the following information:
 - The USEPA identification number, name and address of the generator;
 - 2) The calendar year covered by the report;
 - The USEPA identification number, name and address for each off-site treatment, storage or disposal facility in the United States to which waste was shipped during the year;
 - The name and USEPA identification number of each transporter used during the reporting year for shipments to a treatment, storage or disposal facility within the United States;
 - 5) A description, USEPA hazardous waste number (from 35 Ill. Adm. Code 721. Subpart C or D), DOT hazardous class and quantity of each hazardous waste shipped off-site for shipments

to a treatment, storage or disposal facility within the United States. This information must be listed by EPA identification number of each off-site facility to which waste was shipped;

- 6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;
- 7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984;
- The certification signed by the generator or the generator's authorized representative.
- 20. Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12, provides the following definition:

"GENERATOR" when used in connection with hazardous waste means any person whose act or process produces hazardous waste.

- 21. Defendants, Pielet, are generators as that term is defined in Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12. Defendants', Pielet's, automobile shredding operation generates auto fluff, a hazardous waste.
- 22. As generators who shipped hazardous waste off-site to a treatment, storage or disposal facility within the United States during 1990, Defendants, Pielet, were required to prepare and submit to the Agency an Annual Report by March 1, 1991, for the calendar year 1990, in accordance with Section 722.141 of 35 Ill. Adm. Code.

- 23. Section 722.141 of 35 Ill. Adm. Code was adopted by the Board under subsections (a) and (c) of Section 22.4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1022.4(a) and (c).
- 24. On or before March 1, 1991, and continuing until the filing of this complaint, Defendants, Pielet, failed to prepare and submit to the Agency an Annual Report for calendar year 1990.
- 25. By failing to prepare and submit to the Agency by March 1, 1991, an annual report for calendar year 1990, Defendants, Pielet, violated 35 Ill. Adm. Code 722.141 and, thereby, violated Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i).
- 26. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count VI:

- 1. Finding that Defendants, Pielet, have caused or allowed violations of Section 21(i) of the Act and Section 722.141 of 35 Ill. Adm. Code;
- 2. Enjoining Defendants, Pielet, from further violations of Section 21(i) of the Act and Section 722.141 of 35 Ill. Adm. Code;

- 3. Ordering Defendants, Pielet, to take the necessary corrective actions which will result in a final and permanent abatement of the violations of the Act and Waste Disposal Regulations cited above;
- 4. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;
- 5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Pielet; and
- 6. Granting such other relief as this court deems appropriate and just.

COUNT VII

VIOLATION OF LAND DISPOSAL RESTRICTIONS

- 1-18. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count VII.
- 19. Section 728.107 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 728.107, titled, <u>Waste Analysis</u>, provides in pertinent part as follows:
 - a) Except as specified in Section 728.132 or 728.143, the generator shall test the generator's waste, or test an extract developed using the test method described in Appendix A, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part.

- 20. Section 728.109 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 728.109, titled, Special Rules for Characteristic Wastes, provides in pertinent part as follows:
 - c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste which exhibits a characteristic under 35 Ill. Adm. Code 721. Subpart C shall be land disposed unless the waste complies with the treatment standards under Subpart D.
 - d) Wastes that exhibit a characteristic are also subject to Sections 728.107 requirements, . . .
- 21. Since the waste known as auto fluff, contains lead and lead has been identified by characteristic as "hazardous" pursuant to 35 Ill. Adm. Code 721.124, such waste is subject to the requirements of Sections 728.107 and 728.109 of 35 Ill. Adm. Code.
- 22. Sections 728.107 and 728.109 of 35 Ill. Adm. Code were adopted by the Board under subsections (a) and (c) of Section 22.4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1022.4(a) and (c).
- 23. On or before November 29, 1990, and continuing until the filing of this complaint, Defendants, Pielet, failed to test their waste known as auto fluff, a hazardous waste, to determine if the waste is restricted from land disposal, or complies with

the treatment standards under Subpart D of the Board Waste Disposal Regulations, prior to dumping or disposing of such hazardous waste at the site, as required by Sections 728.107 and 728.109 of 35 Ill. Adm. Code.

- 24. By their conduct as alleged herein, Defendants, Pielet, caused violations of Sections 728.107 and 728.109 of 35 Ill. Adm. Code, and, thereby, for each regulation violated, also violated Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i).
- 25. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count VII:

- 1. Finding that Defendants, Pielet, have caused or allowed violations of Section 21(i) of the Act and Sections 728.107 and 728.109 of 35 Ill. Adm. Code;
- 2. Enjoining Defendants, Pielet, from further violations of Section 21(i) of the Act and Sections 728.107 and 728.109 of 35 Ill. Adm. Code;

- 3. Ordering Defendants, Pielet, to take the necessary corrective actions which will result in a final and permanent abatement of the violations of the Act and Waste Disposal Regulations cited above, including conducting waste analysis and following such analysis, the removal of all waste from the site to a permitted facility; following such removal of all waste, performing soil and groundwater testing to determine the nature and extent of any contamination at and from the site;
- 4. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act:
- 5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Pielet; and
- 6. Granting such other relief as this court deems appropriate and just.

COUNT VIII

SPECIAL WASTE MANIFEST VIOLATIONS

- 1-17. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 17 of Count I as paragraphs 1 through 17 of this Count VIII.
- 18. Section 3.17 of the Act, Ill. Rev. Stat. 1991 ch. 111-1/2, par. 1003.17, provides the following definition:

"INDUSTRIAL PROCESS WASTE" means any liquid, solid, semi-solid, or gaseous waste generated

as a direct or indirect result of the manufacture of a product or the performance of a service. Any such waste which would pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means is an industrial process waste. "Industrial Process Waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris.

- 19. The waste known as auto fluff which Defendants, Pielet, caused or allowed to be dumped or disposed at the site is an "industrial process waste" as that term is defined at Section 3.17 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.17, because it is generated as a direct or indirect result of the performance of a service, it would pose a present or potential threat to human health or the environment, and/or it has inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means.
- 20. Sections 21(d) and (f) of the Act, Ill. Rev. Stat.

 1991, ch. 111-1/2, par. 1021(d) and (f), provide in pertinent
 part as follows:

No person shall:

d. Conduct any waste-storage, wastetreatment or waste-disposal operation: In violation of any regulations or standards adopted by the Board under this Act;

* * *

f. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

* * *

- 2. In violation of any regulations or standards adopted by the Board under this Act;
- 21. Section 809.301 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.301, titled, Requirements for Delivery of Special Waste to Haulers, provides as follows:

No person shall deliver any special waste generated within Illinois, or for disposal, storage or treatment within Illinois unless that person concurrently delivers a manifest completed in accordance with Subpart E of this Part to a special waste hauler who holds a current, valid special waste hauling permit issued by the Agency under Subpart B of this Part.

- 22. Section 809.501 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.501, titled, Manifests, Records, Access to Records, Reporting Requirements and Forms, provides in pertinent part as follows:
 - a) Any person who delivers special waste to a permitted special waste hauler shall complete a manifest to accompany the special waste from delivery to the destination of the special waste. The manifest which shall be provided or prescribed by the Agency shall, as a minimum, contain the name of the generator of the special waste when and where generated; name of the person from whom delivery is accepted and the name of the site from which delivered; the name of the special waste hauler; the date of delivery; the final disposal, storage or treatment site; and

the name, classification and quantity of the special waste delivered to the hauler

- 23. Section 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.45, defines "special waste" as any "industrial process waste," "pollution control waste," or "hazardous waste."
- 24. The waste known as auto fluff which Defendants, Pielet, caused or allowed to be dumped or disposed at the site is a "hazardous waste," and "industrial process waste" and therefore a "special waste" as those terms are defined at Sections 3.15 and 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1003.15 and 1003.45.
- 25. As persons who deliver special waste generated in Illinois to a special waste hauler for disposal, Defendants, Pielet, were required to complete a manifest and concurrently deliver said manifest to a waste hauler who holds a current valid waste hauling permit, pursuant to Sections 809.301 and 809.501 of 35 Ill. Adm. Code.
- 26. On or before November 29, 1990, or a date better known to Defendants, Pielet, Defendants, Pielet, delivered special waste generated in Illinois to Ashly, a special waste hauler, for disposal, without completing a manifest to accompany the autofluff, a solid waste and special waste, from delivery to the destination of the special waste. Further, Defendants, Pielet, failed to deliver a manifest to a special waste hauler who holds

a current valid special waste hauling permit issued by the Agency, since Ashly did not hold a current valid special waste hauling permit.

- 27. The action taken by Defendants, Pielet, relative to the auto fluff, a solid waste, constitutes the conduct of a wastestorage, waste-treatment, or waste-disposal operation in violation of regulations adopted by the Board under the Act.
- 28. The action taken by Defendants, Pielet, relative to the auto fluff, a hazardous waste and special waste, constitutes the conduct of a hazardous waste-storage, hazardous waste-treatment, or hazardous waste-disposal operation in violation of regulations adopted by the Board under the Act.
- 29. By their failure to complete and to deliver a completed manifest to a hauler who holds a current valid special waste hauling permit issued by the Agency, Defendants, Pielet, violated 35 Ill. Adm. Code 809.301 and 809.501 and, thereby, for each regulation violated, also violated Sections 21(d)(2) and (f)(2) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1021(d)(2) and (f)(2).
- 30. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count VIII:

- 1. Finding that Defendants, Pielet, have caused or allowed violations of Sections 21(d)(2) and (f)(2) of the Act and Sections 809.301 and 809.501 of 35 Ill. Adm. Code;
- 2. Enjoining Defendants, Pielet, from further violations of Sections 21(d)(2) and (f)(2) of the Act and Sections 809.301 and 809.501 of 35 Ill. Adm. Code;
- 3. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;
- 4. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Pielet; and
- 5. Granting such other relief as this court deems appropriate and just.

COUNT IX

DELIVERING SPECIAL WASTE TO AN UNPERMITTED OPERATOR

- 1-20. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 20 of Count VIII as paragraphs 1 through 20 of this Count IX.
- 21. Section 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.45, defines "special waste" as any "industrial process waste," "pollution control waste," or "hazardous waste."

- 22. The waste known as auto fluff which Defendants, Pielet, caused or allowed to be dumped or disposed at the site is a "haz-ardous waste," and an "industrial process waste" and therefore a "special waste" as those terms are defined at Sections 3.15 and 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1003.15 and 1003.45.
- 23. Section 809.302(b) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.302(b), titled, Requirements for Acceptance of Special Waste for Haulers, provides as follows:
 - (b) No person shall deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations.
- 24. Section 3.26 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.26, provides the following definition:

"PERSON" is any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

25. Defendants, Pielet Bros., a limited partnership and Pielet/Tang, a corporation, and the generators of auto fluff, a "special waste", are "persons" as that term is defined by Section 3.26 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.26, and as contemplated by Section 809.302(b) of 35 Ill. Adm. Code.

- 26. On information and belief, Defendants, Ashly, had an agreement with Defendants, Pielet, for the transportation and disposal of auto fluff, a "special waste" generated at Defendants', Pielet's, plant. By virtue of this agreement, Defendants, Ashly, are the agents of Defendants, Pielet, and as such, are "persons" as defined by Section 3.26 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.26, and as contemplated by Section 809.203(b) of 35 Ill. Adm. Code.
- 27. On or before November 29, 1990, Defendants, Pielet, as "persons", delivered auto fluff, a solid waste and special waste generated at their plant, for disposal, storage or treatment within Illinois to their agents Defendants, Ashly, "persons" who do not have a current, valid operating permit.
- 28. The action taken by Defendants, Pielet, relative to the auto fluff, a solid waste, constitutes the conduct of a wastestorage, waste-treatment, or waste-disposal operation in violation of regulations adopted by the Board under the Act.
- 29. The action taken by Defendants, Pielet, relative to the auto fluff, a hazardous waste and special waste, constitutes the conduct of a hazardous waste-storage, hazardous waste-treatment, or hazardous waste-disposal operation in violation of regulations adopted by the Board under the Act.
- 30. By their failure to deliver their auto fluff, a special waste, to a person who has a current valid operating permit, Defendants, Pielet, violated 35 Ill. Adm. Code 809.302(b) and,

thereby, violated Sections 21(d)(2) and (f)(2) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1021(d)(2) and (f)(2).

31. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count IX:

- 1. Finding that Defendants, Pielet, have caused or allowed violations of Sections 21(d)(2) and (f)(2) of the Act and Section 809.302(b) of 35 Ill. Adm. Code;
- 2. Enjoining Defendants, Pielet, from further violations of Sections 21(d)(2) and (f)(2) of the Act and Section 809.302(b) of 35 Ill. Adm. Code;
- 3. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;
- 4. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Pielet; and
- 5. Granting such other relief as this court deems appropriate and just.

II. VIOLATIONS BY ASHLY

COUNT X

VIOLATION OF HAZARDOUS WASTE TRANSPORTATION REQUIREMENTS

- 1-17. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 17 of Count I, as paragraphs 1 through 17 of this Count X.
- 18. Section 21(g) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(g), provides in pertinent part as follows:

No person shall:

- g) Conduct any hazardous wastetransportation operation:
 - Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations or standards adopted thereunder; or
 - 2) In violation of any standards adopted by the Board under this Act.
- 19. Defendants', Ashley's, actions of accepting auto fluff, a hazardous waste, and transporting said hazardous waste for disposal constitutes a hazardous waste transportation operation, pursuant to Section 21(g) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(g).
- 20. Section 723.110 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.110, titled, <u>Scope</u> provides in pertinent part as follows:

- a) These regulations establish standards which apply to persons transporting hazardous waste into, out of or through Illinois if the transportation requires a manifest under Part 722.
- 21. Section 723.111 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.111, titled, <u>USEPA Identification</u>
 Number, provides in pertinent part as follows:
 - a) A transporter must not transport hazardous waste without having received an EPA identification number from the Administrator.
- 22. Section 723.120 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.120, titled, The Manifest System, provides in pertinent part as follows:
 - a) A transporter shall not accept hazardous waste from a generator unless it is accompanied by a manifest signed in accordance with the provisions of 35 Ill. Adm. Code 722 . . .
- 23. Section 723.122 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.122, titled, Recordkeeping, provides in pertinent part as follows:
 - a) A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.
- 24. Sections 723.111, 723.120 and 723.122 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.111, 723.120

and 723.122, were made applicable to Defendants, Ashly, by Section 723.110 of the Board Waste Disposal Regulations, 35 Ill.

Adm. Code. The waste which Defendants, Ashly, accepted for transportation, required a manifest under Part 722 of the Board Waste Disposal Regulations.

- 25. On or before November 29, 1990, Defendants, Ashly, accepted auto fluff, a hazardous waste for transportation without obtaining an EPA identification number from the Agency and without receiving an accompanying hazardous waste manifest from the generator of the waste.
- 26. Defendants, Ashly, was also required pursuant to 35 Ill. Adm. Code 723.122, to keep a copy of the manifest signed by the generators, themselves and the owner of the designated facility for a period of three years from the date of acceptance of the waste.
- 27. On or before November 29, 1990, and continuing to the filing of this Complaint, Defendants, Ashly, failed to keep a copy of the signed manifest as required by 35 Ill. Adm. Code 723.122.
- 28. By failing to obtain an EPA identification number from the Agency prior to transporting the auto fluff, a hazardous waste, failing to receive an accompanying hazardous waste manifest from the generators of the waste received for transportation on or before November 29, 1990, and further, failing to keep a copy of the signed manifest, Defendants, Ashly, violated 35 Ill. Adm. Code 723.111, 723.120 and 723.122 and, thereby, for

each regulation violated, also violated Section 21(g) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(g).

29. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Ashly, with respect to Count X:

- 1. Finding that Defendants, Ashly, has caused or allowed violations of Section 21(g) of the Act and Sections 723.111, 723.120 and 723.122 of 35 Ill. Adm. Code;
- 2. Enjoining Defendants, Ashly, from further violations of Section 21(g) of the Act and Sections 723.111, 723.120 and 723.122 of 35 Ill. Adm. Code;
- 3. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;
- 4. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Ashly; and
- 5. Granting such other relief as this court deems appropriate and just.

COUNT XI

TRANSPORTING SPECIAL WASTE WITHOUT A PERMIT

- 1-18. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 18 of Count X as paragraphs 1 through 18 of this Count XI.
- 19. Section 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 1111/2, par. 1003.45, defines "special waste" as any "industrial
 process waste," "pollution control waste," or "hazardous waste."
- 20. The auto fluff transported and delivered to the site is a "hazardous waste," and therefore also a "special waste" as those terms are defined in Sections 3.15 and 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1003.15 and 1003.45.
- 21. Section 809.201 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.201, titled, Special Waste Hauling Permits General, provides as follows:

No person shall haul or otherwise transport any special waste generated within Illinois or any special waste to be disposed of, stored or treated within Illinois without a current, valid waste hauling permit issued by the Agency in accordance with the requirements of this Subpart unless the hauler is exempt from the special waste hauling permit requirements under this Subpart.

22. Pursuant to Section 809.201, Defendants, Ashly, was required to have a current valid waste hauling permit issued by the Agency, in order to haul or otherwise transport any "special waste" generated within Illinois or any "special waste" to be disposed of within Illinois.

- 23. On or before November 29, 1990, Defendants, Ashly, transported auto fluff, a "special waste", for disposal at the site. Defendants, Ashly did not have a current valid permit issued by the Agency to transport such "special waste" to be disposed of, stored, or treated within Illinois.
- 24. At no time were Defendants, Ashly, authorized to deviate from the requirements of 35 Ill. Adm. Code 809.201.
- 25. By transporting auto fluff, a "special waste" for disposal in Illinois, without a current valid permit issued by the Agency, Defendants, Ashly, violated 35 Ill. Adm. Code 809.201 and, thereby, violated Section 21(g) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(g).
- 26. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Ashly, with respect to Count XI:

 Finding that Defendants, Ashly, have caused or allowed violations of Section 21(g) of the Act and Section 809.201 of 35 Ill. Adm. Code;

- 2. Enjoining Defendants, Ashly, from further violations of Section 21(g) of the Act and Section 809.201 of 35 Ill. Adm.

 Code;
- 3. Ordering Defendants, Ashly, to take the necessary corrective actions which will result in a final and permanent abatement of the violations of the Act and Waste Disposal Regulations cited above;

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- 4. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;
- 5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Ashly; and
- 6. Granting such other relief as this court deems appropriate and just.

COUNT XII

UNPERMITTED DISPOSAL OF HAZARDOUS WASTE

- 1-17. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 17 of Count I as paragraphs 1 through 17 of this Count XII.
- 18. Sections 21(e) and 21(f) of the Act, Ill. Rev. Stat.

 1991, ch. 111-1/2, pars. 1021(e) and 1021(f), provide in part as follows:

No person shall:

e. dispose, treat, store or abandon any waste, or transport any waste into this

State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

- f. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:
 - 1. Without a RCRA permit for the site issued by the Agency under subsection (d) of Section 34 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or
 - 2. In violation of any regulations or standards adopted by the Board under this Act;
- 19. The action taken by the Defendants, Ashly, relative to the auto fluff, a hazardous waste, constitutes "disposal" as that term is defined in Section 1003.08, of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.08.
- 20. The dumping or disposing of auto fluff, a hazardous waste, on the site, constitutes a "hazardous waste-disposal" operation as those terms are defined in Sections 3.08 and 3.15 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1003.08 and 1003.15.
- 21. The site at which Defendants, Ashly dumped or disposed the auto fluff, a hazardous waste, is not permitted by the Agency to receive any waste, including hazardous waste, for disposal, treatment, storage or abandonment.

- 22. Defendants, Ashly, were not authorized by the Agency to deviate from the requirements of Sections 21(e) and (f) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1021(e) and 1021(f).
- 23. By their actions as alleged herein, Defendants, Ashly, have violated Sections 21(e) and (f) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1021(e) and 1021(f).
- 24. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Ashly, with respect to Count XII:

- 1. Finding that Defendants, Ashly, has caused or allowed violations of Sections 21(e) and (f) of the Act;
- 2. Enjoining Defendants, Ashly, from further violations of Sections 21(e) and (f) of the Act;
- 3. Ordering Defendants, Ashly, to take the necessary corrective actions which will result in a final and permanent abatement of the violations of the Act and Waste Disposal Regulations cited above, including conducting waste analyses and following such analysis, the removal of all waste from the site to a permitted facility; following such removal of waste, performing soil

and groundwater testing to determine the nature and extent of any contamination at and from the site;

- 4. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;
- 5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Ashly; and
- 6. Granting such other relief as this court deems appropriate and just.

COUNT XIII

DELIVERING SPECIAL WASTE TO UNPERMITTED OPERATOR

- 1-17. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 17 of Count I as paragraphs 1 through 17 of this Count XIII.
- 18. Section 3.17 of the Act, Ill. Rev. Stat. 1991 ch. 111-1/2, par. 1003.17, provides the following definition:

"INDUSTRIAL PROCESS WASTE" means any liquid, solid, semi-solid, or gaseous waste generated as a direct or indirect result of the manufacture of a product or the performance of a service. Any such waste which would pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means is an industrial process waste. "Industrial Process Waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris.

- 19. Section 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.45, defines "special waste" as any "industrial process waste," "pollution control waste," or "hazardous waste."
- 20. The auto fluff delivered and disposed at the site by Defendant, Ashly, is a "hazardous waste," and "industrial process waste" and therefore also a "special waste" as those terms are defined in Sections 3.15 and 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.15 and 1003.45.
- 21. Sections 21(e) and 21(f) of the Act, Ill. Rev. Stat.

 1991, ch. 111-1/2, pars. 1021(e) and 1021(f), provide in part as

 follows:

No person shall:

- e. dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.
- f. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:
 - 1. Without a RCRA permit for the site issued by the Agency under subsection (d) of Section 34 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or

- In violation of any regulations or standards adopted by the Board under this Act;
- 22. Section 809.302(b) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.302(b), titled, Requirements for Acceptance of Special Waste for Haulers, provides as follows:
 - (b) No person shall deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, yalid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations.
- 23. The site at which Defendants, Ashly, delivered and disposed the auto fluff, a "special waste", is not authorized by the Agency to receive any waste including "special waste" for disposal, treatment, storage or abandment.
- 24. On or before November 29, 1990, Defendants, Ashly, transported and delivered auto fluff, a "special waste" for disposal, storage or treatment, to a site that did not have a current, valid operating permit issued by the Agency.
- 25. By delivering the auto fluff, a "special waste", for disposal, storage or treatment to a site that did not have a current, valid operating permit issued by the Agency, Defendants, Ashly, violated 35 Ill. Adm. Code 809.302(b) and, thereby, violated Section 21(e) and (f) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(e) and (f).
- 26. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent

environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Ashly, with respect to Count XIII:

- 1. Finding that Defendants, Ashly, has caused or allowed violations of Sections 21(e) and (f) of the Act and Section 809.302(b) of 35 Ill. Adm. Code;
- Enjoining Defendants, Ashly, from further violations of Sections 21(e) and (f) of the Act and Section 809.302(b) of 35
 Ill. Adm. Code;
- 3. Ordering Defendants, Ashly, to take the necessary corrective actions which will result in a final and permanent abatement of the violations of the Act and Waste Disposal Regulations cited above, including conducting waste analyses and following such analysis, the removal of all waste from the site to a permitted facility; following such removal of waste, performing soil and groundwater testing to determine the nature and extent of any contamination at and from the site;
- 4. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;
- 5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Ashly; and

6. Granting such other relief as this court deems appropriate and just.

> PEOPLE OF THE STATE OF ILLINOIS, ex rel. ROLAND W. BURRIS, Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief

Environmental Control Division Assistant Attorney General

PEOPLE OF THE STATE OF ILLINOIS, ex rel. JOSEPH R. NAVARRO, State's Attorney of LaSalle County

ROBERT M. ESCHBACH Special Assistant State's Attorney

716 Columbus Street Ottawa, IL 61350

815/434-1600

Of Counsel JOSEPH J. ANNUNZIO, Deputy Chief WILLIAM D. SEITH, Deputy Chief ROSEMARIE CAZEAU Assistant Attorneys General Environmental Control Division 100 W. Randolph St., 12th Floor Chicago, IL 60601 312/814-3369

rmcc261

Illinois Environmental Protection Agency Division of Land Pollution Control

RCRA INSPECTION REPORT

	hot it it	EPA #: C_2 _ 3 . () C	
Facility Name: Palet Pro	s. Screp Iran Co	EPA #: © 3 / 0 C	/
Street Address: 7955 W.		County:	08/594-7171
City: Summit	manusco de la companya del companya de la companya del companya de la companya de	State: ZL	Zip: (25%)
Region: 2_	Inspection Date: 10 151		210: 60501 DAM TO: 1:500m
Weather: 60°, Partly	Claudy		<u> </u>
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Notified As: 1/on - notif		equiated As:	
Yes LDF? HPV? N	90-Day F/U Required?:		NO .
	TYPE OF INSPEC	:TION	
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CME/O&M: Record	Review: Follow-Up	to Inspection of:	_ Withdrawai:
	NON-REGULATED	STATUS	- Collection
SQG: CI	simed Nonhandler:	Other (Specify in N	arrative):
	PARTA	Jon-notifier/Non-	(ilar)
Notification Date:	// , from (initia	il) or (subsequent) Notificatio	n.
Initial Part A Date:/		Amended:/	
Part A Withdrawai requested:		Approved by (US)(IL) E	PA:/
	PART B PERMIT AP	PLICATION	I School and American
Part B Permit Submitted: Y or	N.) _/_/	Final Permit Issued:	1 1
-	ENFORCEMEN	7	40000000000
Has the firm been referred to -	USEPA	: Y or(N) / /	
Illinois Attorney General: Y of N	1)/_/_ County:	State's Attorney: Y o(N)	
	ORDERS ISSUE	28	
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OWNER

OPERATOR

OWNER	OPERATOR			
Name ?	Name Dielet Bos	Scrap Iran C		
Aadress	Address 7955 W. 5	9+6 St		
City	City Summit			
State Zip	State	Zip Cusol		
Phone #	Phone # 708 / 574-7171			
PERSON(S) INTERVIEWED	TITLE	PHONE #		
No one inferviewed				
INSPECTION PARTICIPANT(S)	AGENCY/TITLE	PHONE #		
John Maher Mark Retzlaff	ZEPA/EPS ZEPA/EPS	708/531-5900 708/531-5900		

John Maker TEPA/EPS 708/531-5900

SUMMARY OF APPARENT VIOLATIONS

AGENCY/TITLE

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PREPARED BY

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PHONE #

Fielet Bros. Scrap Iron Co. - 0310065018 K & C Trucking Co., Inc. - 0310450036 October 15, 1991

NARRATIVE

An anonymous complaint was received in the Maywood office on October 10, 1991 regarding the Bel Aire Drive-In theater at 31st Street and Cicero Avenue in Cicero, Illinois. The complainant alleged contaminated soil from Pielet Bros. (Summit, Illinois) was being transported by Krisjon Construction (Chicago, Illinois) and disposed of at this theater. His comment that the workers handling this material experienced eye irritation lead me to believe the material involved was auto fluff. (Based on another inspector's experience, auto fluff, a waste generated daily by Pielet Bros., causes eye irritation.)

Bel Aire Drive-In Theater

On October 15, 1991, Mark Retzlaff and I parked across from the theater and looked for trucks entering and leaving the site. None were observed. We drove near the entrance on Cicero Avenue and observed what appeared to be concrete and asphalt mixed within the high berms surrounding the site. Since intentionally accepting this waste would make this site an illegal landfill, and unintentionally accepting this waste would make this site an open dump, we had probably cause to enter the site and investigate further.

Electrical wires, steel parts and fibrous material was observed mixed within the dirt and gravel berm. (These materials are indicative of autofluff.) We collected a sample of the dirt and fibrous material, in case we want it analyzed.

Pielet Bros. Scrap Iron Co.

Since the complainant alleged Pielet Bros. was the source of the contaminated material, we parked near the intersection of Archer Avenue and 59th Street in Summit. (Pielet Bros. is located just east of this intersection on 59th Street.) We watched some uncovered dump trailer trucks, carrying what appeared to be auto fluff, turning from 59th Street onto Archer Avenue (south). We followed one that delivered its load to a site in Gary Indiana that had a trailer marked H & H Recycling Enterprises. The truck took the following route to reach the site:

Archer Avenue (south) ---> I 294 (south) ---> I 80 (east)
---> Cline Avenue (north) ---> exit 169th ---> proceed

past 169th (going north) ---> this frontage road along Cline

Pielet Bros. Scrap Iron Co. - 0310065018 K & C Trucking Co., Inc. - 0310450036 October 15, 1991

Avenue eventually turns east; the disposal site is on the north side of the road.

The truck was observed off-loading the material. The site and the truck were photographed.

NOTE: While in transit, the auto fluff was observed continually blown off the dump truck on to the highway.

Record Review

On April 21, 1986, the Agency inspected Pielet Bros. Scrap Iron Co. at 7955 West 59th Street in Summit, Illinois. The following apparent violations were observed: 703.121, 703.151, 722.111, 722.112, 722.120, 722.140, 722.141, 725.113, 725.115, 725.116, 725.131, 725.137, 725.151, 725.153, 725.155, 725.173, 725.174, 725.175, 725.212, 725.242, 725.351, and 725.353. Only the apparent violation of 722.111 (no evidence of a hazardous waste determination) was cited in a Compliance Inquiry Letter (CIL) dated May 27, 1986, because the other apparent violations would not apply if the waste was non-hazardous by RCRA definition.

On June 9, 1986, the Agency received Pielet Bros. response to the CIL. Pielet Bros. stated, "Not only have we periodically analyzed our waste stream over the past few years, but we have notified the Agency of our results on several occasions. At no time have our analytical tests showed the waste stream from Pielet's Argo [Summit] facility to exhibit hazardous characteristics." In support of their claim that auto fluff is not a hazardous waste, attached to their response were the following:

- Analysis results of two (2) samples, one of "Dredge" and one "Sediment", that TEI Analytical, Inc. received June 29, 1984.
- Analysis results of thirteen (13) samples of "Sediment" that TEI Analytical, Inc. received on December 21, 1984. There were also four (4) samples of "Water" analyzed. (All of these samples appear to have been collected on the same date, December 20, 1984.)
- Analysis results of three (3) samples, one (1) of "Auto Fluff/Grit Mix", one (1) of "Grit", and one (1) of "Fluff", that TEI Analytical, Inc. received January 4, 1985.

Sampling methods and definitions of "Dredge" and "Sediment", as they apply to Pielet Bros., were not provided in this submittal.

The inspector who reviewed this information apparently considered it adequate, and the apparent violation of 722.111 was considered resolved. However, there is additional information now that supports the position that auto fluff generated from Pielet Bros. in Summit, Illinois is a RCR hazardous waste.

Pielet Bros. Scrap Iron Co. - 0310065018 K & C Trucking Co., Inc. - 0310450036 October 15, 1991

Evidence supporting RCRA and TSCA qualifications

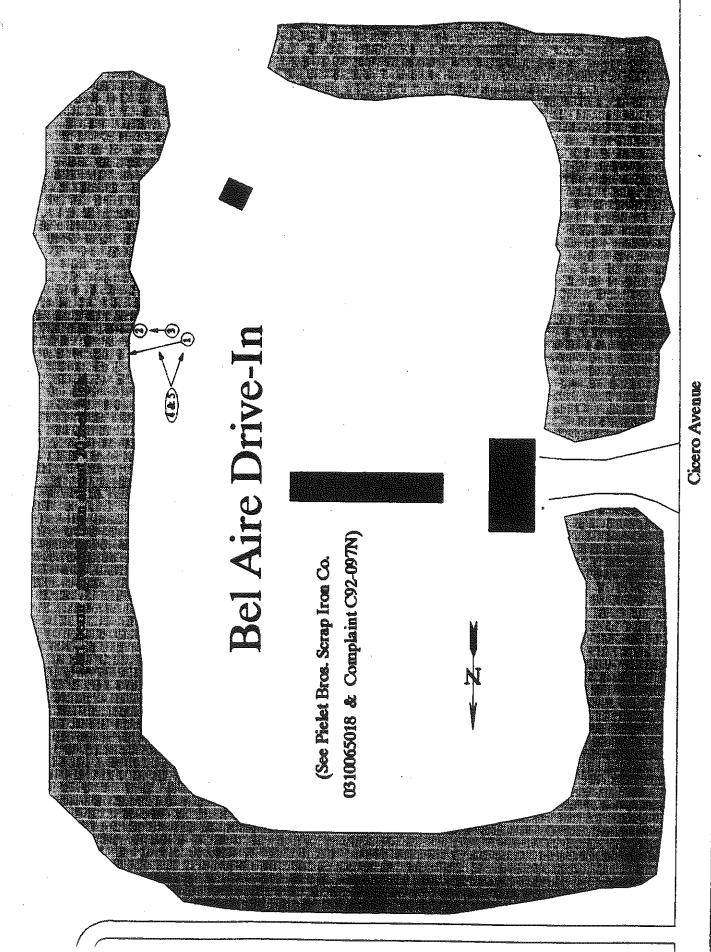
On June 6, 1991, an open dump complaint was investigated by Charles Gruntman and Mark Retzlaff at 76th Street and Kedzie Avenue in Chicago (see Open Dump Report dated 6/6/91 in file 0316700012). Auto fluff generated at Pielet Bros. was being transported by Tone Trucking Inc. to this location, which is operated by Krisjon Construction and owned by M. Renella and P. Palumbo, Jr. A sample of auto fluff was collected and sent to the State laboratory for analysis. The analysis results indicated TCLP levels of lead at 36.6 ppm and PCBs at 520 ppm. The elevated concentration of lead qualifies Pielet Bros.'s waste as RCRA hazardous, and the elevated concentration of PCBs qualifies Pielet Bros.'s waste as a fully regulated TSCA waste.

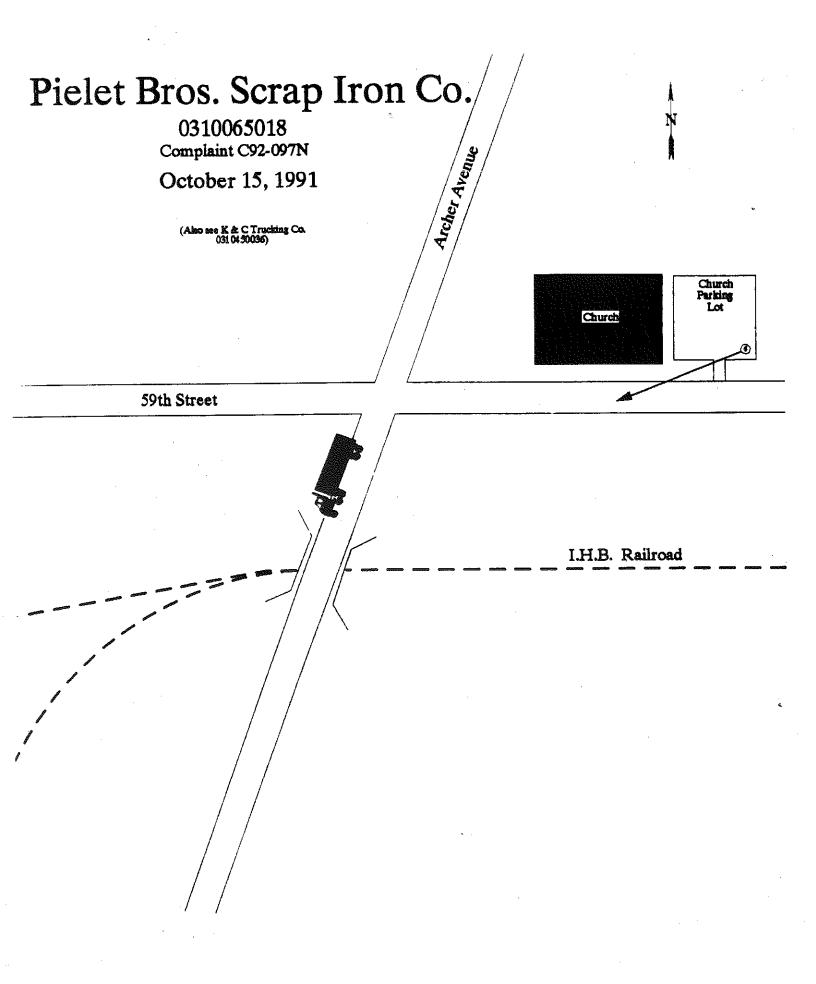
Based on this information, Pielet Bros. Scrap Iron Co. and K & C Trucking Co. appear to be in violation of RCRA regulations; however, follow-up will continue to determine if the waste generated by Pielet Bros. and hauled by K & C Trucking is RCRA hazardous.

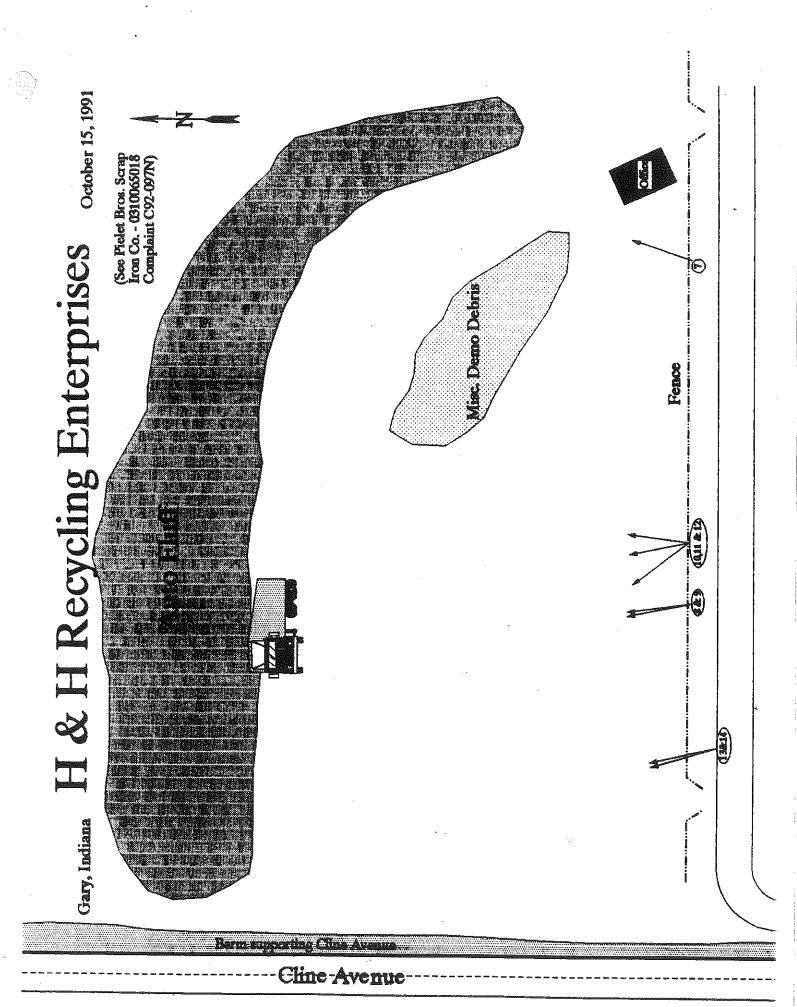
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03/0065018 - Cook	
Pielet Bros Scrap Iron Co.	
Non-notifier Complaint =: 492-097.	<u>//</u>
FOS File	
Complainant Annymous Respondent Pielet Bros. Scrap Iron	
Address 7955 W. 594 54.	
Summit, IL 60501	
Telephone Telephone 708/594-7171.	
Directions to Source: Cicera Ave & 31st Street	
Complaint Details: Cortaminated Sal is being dunged at the	=
Bel Aire Drive-In. The hauler is Kris Jon Contraction on	l
the waste is coming from Pielet Bros. People working at the	
Clump experience eye irritation.	

INVESTIGATION FINDINGS	
Date 10 / 15/91 Time 8.00 Am - 1:50 pm By John Maker, Mark Retzl	A
Interviewed No one interviewed Weather las Partly Cloudy Photos 1	
Remarks: (See affached narrative)	
	Pielet Bros Semp Iron (c. 7955 W. 59th St. Summit, IL 60501 708/594-7171 eet leing dumped at the leing dumped at the People working at the People working at the Partly Cloudy Photos 14
cc: Maywood Region - complaint file	
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9441.1988(48)

NOV 21 1988

MEMORANDUM

Possible Applicability of RCRA Requlations to Fluff SUBJECT:

Mitch Kidwell, Environmental Protection Specialist FROM:

Waste Characterization Branch

Office of Solid Waste (0S-332)

Robert W. Dellinger, Chief THRU:

Waste Characterization Branch

Office of Solid Waste (OS-332)

Chemical Requlation Branch

Richard La Shier and Janis Johnson

TO:

Office of Toxic Substances

"fluff" residuals from ferrous metals recycling activities (in applicability of RCRA Subtitle C regulations to contaminated This memorandum is written to present the possible particular, automobile shredding).

5.0 regulated under TSCA, and lead (and other hazardous metals which may also be found in the fluff) is potentially regulated under (5.0 mg/1)). Once the waste has been determined to be hazardous, it must either be treated until it no longer exhibits mg/1 (see 40 CFR 261.24), the waste is a characteristic hazardous waste subject to Subtitle C provisions. The waste may Subtitle D facility), or it must be disposed in a RCRA Subtitle also be characteristically hazardous for other heavy metals at varying concentrations (E.G., cadmium (1.0 mg/1) and chromium greater than the extraction procedure (EP) Toxicity value of There are not exemptions applicable to shredder the October 28th workgroup meeting, the key constituents of As stated in the background document that was discussed at concern in the fluff are PCBs and lead. PCBs are normally RCRA. Assuming the lead is in concentrations equal to or the characteristic (at which time it may be disposed in c facility.

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such method is presented in the attached draft guidance document for Municipal Refuse Incinerator Ash. This method, if adopted, sampling and analysis method that accounts for the variability may be used to determine the average property of the waste to want to consider using such a method to characterize shredder We have been advised by Alec McBride, Chief of the Technical assess whether the waste is hazardous by characteristic. fluff because of the high variability of the constituent of constituents in the waste stream may be appropriate. Assessment Branch, OSW, that for certain waste streams, concentrations, depending on the feed material for any particular batch of fluff

be subject to the Land Disposal Restrictions under 40 CFR 268.32 Appendix III of Part 268 lists the HOCs (including PCBs) subject would have to meet the applicable treatment standard prior to Should fluff be determined to be a hazardous waste and contain HOCs concentrations equal to or greater than 1000mg/kg, the fluff The treatment standard applicable to Also, should the fluff be determined to be hazardous, it may to the California list prohibitions, provided that the total if it were to contain halogenated organic compounds (HOCs). HOCs is incineration in accorance with the requirements of 264 Subpart O or Part 265 Subpart O (or 40 CFR 761.70). HOCs are in concentrations of 1000 mg/kg or greater. placement on the land.

November 8, 1984) by May 8, 1990, the waste is prohibited from waste, it would have to meet the applicable treatment standard last set of wastes subject to the Land Disposal Restrictions.) environment for a hazardous waste listed or identified (as of land disposal. Should the fluff be identified as a hazardous Under RCRA Section 3004 (g)(6)(C), unless EPA sets treatment standards that are protective of human health and the Finally, it should be noted that the so-called "hard hammer" characteristic as of November 8, 1984) falls on May 8, 1990. prior to placement on the land in the Fall of 1989, for the for all hazardous wastes (listed and identified by

Should you need further information, please contact me at 382-4805

Jacon Mark

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3	DATE 1/30/20 TIME CALL CAME IN: 00:45 HRS. NOTIFIED BY YEARING	ALARM FIRE CALL NO. 18 S.C. NO. 234 21	-
	00:45 HRS. IN SERVICE: 00:1	ON SCENE: 00:50 HRS.	
₹	T_{\bullet}	OCCUPANT:	
7	TYPE BUILDING:	OWNER, PIELET BROS.	
5	SCRAP YARD	OWNER ADDRESS:	
5	OTHER OCCUPANTS:		3.74
F	TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE	VEHICLE RUBBISH GRASS FALSE	
	MUTUAL AID RESCUE POWER FAILURE WASH DOWN	SCHOOL ALARM ASSIST POLICE ASSIST AMB, EXTRACTION	
J	OTHER (describe)	ORIGIN/CAUSE	
3	WEATHER COND: CLEAR X TEMP. 30 CLOUDY RAIN SNOW	FOG WIND: Heavy Light Gusty None	可可贷款
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÷.	DEATHS MONEY	FIRE STARTED IN:	
	INJURIES NONE	SERIAL NUMBER:	

REMARKS: UPON ARRIVAL FOUND LARGE SCRAP PILE BURNING, USED 14 INCH PRECONNECT TO EXTINGUISH PORTION OF FIRE, EMPLOYEES Date Ch USING BULL DOZER MACHINES WERE AIDING FIRE DEPT. WITH EXTINGUISHMENT OF FIRE FIRE CHIEF (

- ESTIMATED LOSS ..

ESTIMATED VALUE OF VEHICLE

OFFICER IN CHARGE CHIEF JOHN NEMETH

FIRE MARSHAY

Date

_ APPROVED BY

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SUMMIT FIRE DEPARTMENT ALARM KEPORT ALARM FIRE CALL NO. 37 s.c. No. $23/-33$	TX TX ON SCENE: 21:14 HRS. WALK-IN	OWNER:	ADDRESS:		GARAGE VEHICLE RUBBISHX GRASS FALSE	WASH DOWN SCHOOL ALARM ASSIST POLICE ASSIST AMB EXTRACTION	ORIGIN/CAUSE ORIGIN/CAUSE	RAIN SNOW FOG WIND: Heavy X	GUISHED BY: WATER CHEMICALS SELF EXTINGUISHED MAKE SHIFT AIDS	1 BOX 2nd ALARM 3rd ALARM 4th ALARM SPECIAL	VEHICLE FIRE	AUTOMOTIVE: VehicleAUTOMOTIVE: Vehicle	Make Year Model	LICENSE NO State Year	VEHICLE TAG NO City Year	OWNER NAME:	ADDRESS:	FIRE STARTED IN:	SERIAL NUMBER:	ESTIMATED VALUE OF VEHICLE ESTIMATED LOSS	ON FIRE. PIELET BROS. FRONT END LOADERS WERE USED TO	
DATE 3/10/90 TIME CALL CAME IN: 21:09	21:09 HRS (N SERVICE: 21:13	T	OCCUPIED AS: SCRAP YARD	OTHER OCCUPANTS:	TYPE CALL: RESIDENCE BUSINESS INDUSTRY	MUTUAL AID RESCUE POWER FAILURE	OTHER (describe)	WEATHER COND: CLEAR $\frac{X}{X}$ TEMP. $\frac{\mu_0}{V}$ CLOUDY	EXTIN	TOTAL TIME UNITS OUT: 45 MIN. MANPOWER: 11	LOSS DATA	ESTIMATED VALUE OF BUILDING	ESTIMATED VALUE OF LOSS	ESTIMATED VALUE OF CONTENTS	ESTIMATED VALUE OF LOSS	ESTIMATED INSURANCE ON BUILDING	ESTIMATED INSURANCE ON CONTENTS	DEATHS NONE			BELLIALIC UPON ARRIVAL FOUND LARGE SCRAP PILE	NEWARNO!

Date 03/26/90 FIRE CHIEF

> CHIEF JOHN NEMETH OFFICER IN CHARGE ---

APPROVED BY

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	DATE 8/19/91 TIME CALL CAME IN: 17:59 HRS. NOTIFIED BY	ALARM	FIRE CALL NO. 222	S.C. NO.	\$1.35a
e de la como de la com	נע:		18:03 HRS.	DISMISSAL: 23:03 HR	~
	ADDRESS: 7955 W. 59th ST. PIELET BROS	OCCUPANT:	4	PHONE NO.	
	TYPE BUILDING:	OWNER: PIELET	BROS.	PHONE NO.	1
	OCCUPIED AS: SCRAP YARD	OWNER ADDRESS:			
, 	OTHER OCCUPANTS:				
}	TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE	VEHICLE	RUBBISH GRASS	SS FALSE	
	MUTUAL AID RESCUE POWER FAILURE WASH DOWN	SCHOOL ALARM ASSIST POLICE	1	ASSIST AMB, EXTRACTION	
3	WEATHER COND: CLEAR X TEMP. 25 CLOUDY RAIN SNOW		WIND: Heavy Light	Gusty None	
ے ج	UNITS RESPONDING: $952.951.955.954.957$ EXTINGUISHED BY: WATER	ł	SELF EXTIN	MAKE SHIFT AIDS	
F	TOTAL TIME UNITS DUT: 4 HRS. MANPOWER: 52	36 BOX _X_ 2nd ALARM	M 3rd ALARM 4th ALARM	LARM SPECIAL	ar ya da ka
	LOSS DATA		VEHICLE FIRE	2 - 2-2 17 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	-1-PHO-SHARING
1	ESTIMATED VALUE OF BUILDING	AUTOMOTIVE: Vehicle			-
	ESTIMATED VALUE OF LOSS	Make	Year	Model	
	ESTIMATED VALUE OF CONTENTS	LICENSE NO.	State	Year	
<i>\$</i> .	ECTIMATED VALUE OF 1000	ON CAT BISHISH	i.	Zoox	

	100
TILE OF SCRAP BURNING. DROPPED SKIDS FROM ENGINES 952, 951.	ENGINE 955 SUPPLIED BOTH UNITS. DURING DURATION OF FIRE CHIEF NEMETH CALL FOR BOX ALARM FOR MORE
RE PILE OF SCRAP B	JRING DURATION OF
ARRIVED ON SCENE FOUND LARGE P	INE 955 SUPPLIED BOTH UNITS. D
REMARKS. ARRIVED	ENGINE 955 SUP

ESTIMATED LOSS

ESTIMATED VALUE OF VEHICLE

FIRE STARTED IN: SERIAL NUMBER:

OWNER NAME: ADDRESS:

DEATHS _ INJURIES

PHONE NO

RETURNED TO QUARTERS 4 HRS. MAN POWER & EQUIPMENT. FIRE EXTINGUISHED IN APPROX.

OFFICER IN CHARGE CAPT. R. GALLAGA

APPROVED BY

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RADIO FIRE CALL #391 S.C. #303668 TX ON SCENE: 0649 DISMISSAL: 0800 OCCUPANT: OWNER: PIELET BROS. PHONE: OWNER ADDRESS:	AGE VEHICLE RUBBISH / GRASS FALSE MUTUAL AID LARM ASSIST POLICE ASSIST AMB. EXTRACATION HAZ MAT ORIGIN / CAUSE: NOT WATCHING AREA GUARD ASLEEP SNOW WIND: DIRECTION VELOCITY HUMIDITY	HED MAKE SHIFT AIDS	AUTOMOTIVE: Vehicle Make LICENSE # VEHICLE TAG # OWNER NAME: ADDRESS: FIRE STARTED IN: SERIAL NUMBER: ESTIMATED VALUE: ESTIMATED VALUE: AUTOMOTIVE Year Year Year Year PHONE # PHONE # ESTIMATED LOSS:	BROS PERSONEL WAS CONTACTED TO CONTROL OTHER SMOLDERING FIRES. WICZ APPROVED BY FIRE CHIEF MAY N. Contact Date // Jack 13
DATE 21 NOV 93 TIME CALL CAME IN: 0641 TIME DISPATCHED: 0641 IN SERVICE: 0646 ADDRESS: 7955 W 59TH, ST, TYPE OF BUILDING: OCCUPIED AS: OTHER OCCUPANTS:	GARA SCHOOL A	EXTINGUISHED BY: WATER (CHEMICALS SELF EXTINGUISHED TOTAL TIME UNITS OUT: MANPOWER: () BO	ESTIMATED VALUE OF BUILDING: ESTIMATED VALUE OF LOSS: ESTIMATED VALUE OF CONTENTS: ESTIMATED VALUE OF CONTENTS: ESTIMATED INSURANCE ON BUILDING: ESTIMATED INSURANCE ON CONTENTS: DEATHS: INJURIES:	REMARKS: RECEIVED A CALL FOR SMOKE IN AREA UPON ARRIVAL HAD PILE OF RUBBISH APPROX 75'X 100 ' BURNING EIR EXTINGUISHED WITH TANK WATER PIELET BROS PERSONEL WAS CONTACTED TO CONTROL OTHER SMOLDERING FIRE OFFICER IN CHARGE ASST. CHIEF ED MATYKIEWICZ APPROVED BY

FIRE MARSHAL Lebery

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DATE 4 JUNE 94 TIME CALL CAME IN: 2338	ALAKINI V RADIO FIRE CALL #177		S.C. #312415	
TIME DISPATCHED: 2338 IN SERVICE: 2343 NOTIFIED BY	TX ON SCENE: 2345		DISMISSAL: 0020	
ADDRESS: 7955 W 59TH STREET	OCCUPANT:	ă	PHONE:	
TYPE OF BUILDING:	OWNER: MIDWEST METALLIC		PHONE:	
OCCUPIED AS:	OWNER ADDRESS:			
OTHER OCCUPANTS:				
TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE	VEHICLE RUBBISH	GRASS	FALSE MUTUAL AID	
RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM	ASSIST POLICE ASSIS	ASSIST AMB EXTR	EXTRACATION HAZ MAT	
OTHER:	ORIGIN / CAUSE: <u>UNKNOWN</u>	INKNOWN		
WEATHER COND: CLEAR ✓ TEMP 75 CLOUDY RAIN FOG SNOW	FOG_ SNOW_ WIND: DIRECTION	VELOCITY	HUMIDITY	
UNITS RESPONDING: ENG 952	A THE STATE OF THE			
EXTINGUISHED BY: WATER CHEMICALS SELF EXTINGUISHED	HED MAKE SHIFT AIDS _	Ds 🗸		
TOTAL TIME UNITS OUT: MANPOWER: 20	BOX 2nd ALARM	3rd ALARM	4th ALARM SPECIAL	
LOSS DATA		VEHICLE FIRE	,	Γ
ESTIMATED VALUE OF BUILDING:	AUTOMOTIVE: Vehicle			
ESTIMATED VALUE OF LOSS:	Make	Year	Model	9.5
ESTIMATED VALUE OF CONTENTS:	LICENSE #	State	Year	·
ESTIMATED VALUE OF LOSS:	VEHICLE TAG #	City	Year	
ESTIMATED INSURANCE ON BUILDING:	OWNER NAME:	d	PHONE #	. 1
ESTIMATED INSURANCE ON CONTENTS:	ADDRESS:			
DEATHS:	FIRE STARTED IN:			visit s
INJURIES:	SERIAL NUMBER:			
	ESTIMATED VALUE:	ESTIM	ESTIMATED LOSS:	
REMARKS: RECEIVED A CALL FOR A RUBBISH FIRE. UPON ARRIVAL HAD A 10FOOT X 10 FT. AREA OF RUBBISH BURNING	HAD A 10F00T X 10 F	T. AREA OF RU	JBBISH BURNING.]

MIDWEST PERSONEL WERE FOUND ON SCENE AND WERE CONTROLLING FIRE. THEIR PERSONEL WERE TO PUT OUT THE FIRE. FIRE CHIEK OFFICER IN CHARGE ASST, CHIEF ED MATYKIEWICZ APPROVED BY

FIRE MARSHAU

DATE (26/65/94 DATE 6/17/84

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DATE Sept. 11, 1994 TIME CALL CAME IN: 12;53 hrs.	RADIO FIRE CALL #94-0327	34-0327 S.C. #94-317193	
N SE	V TX ON SCENE: 12:57 hrs.	2:57 hrs. DISMISSAL: 15:10 hrs.	
ADDRESS: 7955 West 59th. Street Midwest Metallics	OCCUPANT:	PHONE:	
TYPE OF BUILDING:	OWNER:	PHONE:	is t
OCCUPIED AS: Scrap Yard	OWNER ADDRESS:		1
OTHER OCCUPANTS:			
TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE	VEHICLE RUBBISH _	RUBBISH 🗸 GRASS FALSE MUTUAL AID	
RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM _	ASSIST POLICE ASSI	ASSIST AMB. EXTRACATION HAZ MAT	i
отнев:	ORIGIN / CAUSE:	ORIGIN / CAUSE: Spontaneous Combustion	er estali Pertili
WEATHER COND: CLEAR ✓ TEMP 85 CLOUDY RAIN FOG SNOW	WIND: DIRECTION South	VELOCITY 5mph. HUMIDITY 46%	54 #445 5
JNITS RESPONDING: Engine's 952,955, Van 950, Squad 954.			
EXTINGUISHED BY: WATER ✓ CHEMICALS SELF EXTINGUISHED	SHED MAKE SHIFT AIDS _	No.	
FOTAL TIME UNITS OUT: 1hr.15m MANPOWER: 11	BOX 2nd ALARM	3rd ALARM 4th ALARM SPECIAL	ı
LOSS DATA		VEHICLE FIRE	<u> 121</u>
ESTIMATED VALUE OF BUILDING:	AUTOMOTIVE: Vehicle		
ESTIMATED VALUE OF LOSS:	Make	Year Model	
ESTIMATED VALUE OF CONTENTS:	LICENSE #	State Year	
ESTIMATED VALUE OF LOSS:	VEHICLE TAG #	City	
ESTIMATED INSURANCE ON BUILDING:	OWNER NAME:	PHONE #	
ESTIMATED INSURANCE ON CONTENTS:	ADDRESS:		1 - 1 1 -
DEATHS: None	FIRE STARTED IN:		
INJURIES: None	SERIAL NUMBER:		2.11.11.1
	ESTIMATED VALUE:	ESTIMATED LOSS:	
KEMARKS: Upon arrival portheide of large pile of scrap on fire inst	on fire inst east of the office hulding	C Fooing QR9 ordered to front of fire	

Engine 955 layed five inch supply hose to Engine 952. Engine 952 used deck gun to extinguish fire. Also front end loader used for ווופ סוווכב מחוומוות, בווטווום סטב טומפופע נס fire control by covering fire with buckets of water.

OFFICER IN CHARGE Chief John Nemeth

FIRE CHIEF JOHN M. REMETH

APPROVED BY

DATE 09/12/94

DATE 12/54

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DATE 9-14-94	ALAKIM RADIO FIRE CA	FIRE CALL # 330	S.C. # 317307	
IME DISPATCHED: 0523 IN SERVICE: 0527 NOTIFIED BY	4	ON SCENE: 0530	DISMISSAL: 0600	
NDDRESS: 7955 W. 59TH ST	OCCUPANT:		PHONE:	
YPE OF BUILDING:	OWNER:		PHONE:	autori Hatiri Hatiri
OCCUPIED AS:	OWNER ADDRESS:			
OTHER OCCUPANTS:				
YPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE	VEHICLE RUBB	RUBBISH / GRASS	FALSE MUTUAL AID	
RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM	ASSIST POLICE	ASSIST AMB EX	EXTRACATION HAZ MAT	
тнея:	ORIGIN / CAUSE:	SE:		
VEATHER COND: CLEAR_ TEMP_65_ CLOUDY_ RAIN_ FOG_ SNOW_	WIND: DIRECTION S		VELOCITY 15 MPH HUMIDITY	
XTINGUISHED BY: WATER CHEMICALS SELF EXTINGUISHED	HED MAKE SHIFT AIDS	IFT AIDS		
OTAL TIME UNITS OUT: 25 MIN MANPOWER: 7	BOX 2nd ALARM	A 3rd ALARM	4th ALARM SPECIAL	
LOSS DATA		VEHICLE FIRE	Æ	
ESTIMATED VALUE OF BUILDING:	AUTOMOTIVE: Vehicle	icle		
ESTIMATED VALUE OF LOSS:	Make	Year	Model	
ESTIMATED VALUE OF CONTENTS:	LICENSE #	State	Year	
ESTIMATED VALUE OF LOSS:	VEHICLE TAG #	City	Year	
ESTIMATED INSURANCE ON BUILDING:	OWNER NAME:		PHONE #	1.4×1
ESTIMATED INSURANCE ON CONTENTS:	ADDRESS:			
DEATHS: NONE	FIRE STARTED IN:			
INJURIES: NONE	SERIAL NUMBER:			
	ESTIMATED VALUE:		ESTIMATED LOSS:	
EMARKS: UPON ARRIVAL FD SPOKE WITH AN FMPI OVEF WHO BEI ATED THERE WAS A SMALL BLIBBISH EIBE BLIT EIBE WAS	I ATEN THERE W/	S A SMALL BILB	SICH FIRE BITT FIRE WAS	

EXTINGUISHED BY COMPANY EMPLOYEES. AT THAT TIME ALL EQUIPMENT RETURNED TO QUARTERS. FIRE CHIEF APPROVED BY OFFICER IN CHARGE CAPT. J. MARROTTA

FIRE CHIEF LORN M. Cometh DATE 09/14, FIRE MARSHAL LOLS WARSHAL DATE 9/28

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DATE 1 OCT 94 TIME CALL CAME IN: 2132	ALARM FIRE CALL #25.1	0.0018A 0.00	
TIME DISPATCHED: 2132 IN SERVICE: 2136 NOTIFIED BY	_		
ADDRESS: 7955 W 59TH ST	OCCUPANT:		idayar T
TYPE OF BUILDING:	OWNER: MIDWEST METALLIC		1
OCCUPIED AS:	OWNER ADDRESS:		
OTHER OCCUPANTS:			
TYPE CALL: RESIDENCE BUSINESS / INDUSTRY GARAGE	VEHICLE RUBBISH	GRASS FALSE MUTUAL AID	
RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM	ASSIST POLICE ASSIST AMB.	EXTRACATION	
ОТНЕЯ:	ORIGIN / CAUSE: SPONTANEOUS	ONTANEOUS	
WEATHER COND: CLEAR √ TEMP 55 CLOUDY RAIN FOG SNOW	WIND: DIRECTION	VELOCITY HUMIDITY	
UNITS RESPONDING: ENG 952,955,951, SQUAD 954, 950 957		,	
EXTINGUISHED BY: WATER ✓ CHEMICALS _ SELF EXTINGUISHED	HED MAKE SHIFT AIDS	S(
TOTAL TIME UNITS OUT: 3 HRS. MANPOWER: 18	BOX 2nd ALARM	3rd ALARM 4th ALARM SPECIAL	1-1-
LOSS DATA		VEHICLE FIRE	
ESTIMATED VALUE OF BUILDING:	AUTOMOTIVE: Vehicle		
ESTIMATED VALUE OF LOSS:	Make	Year Model	
ESTIMATED VALUE OF CONTENTS:	LICENSE #	State Year	11.1
ESTIMATED VALUE OF LOSS:	VEHICLE TAG #		
ESTIMATED INSURANCE ON BUILDING:	OWNER NAME:	PHONE #	
ESTIMATED INSURANCE ON CONTENTS:	ADDRESS:		- 7
DEATHS:	FIRE STARTED IN:		٦.
INJURIES;	SERIAL NUMBER:		
	ESTIMATED VALUE:	ESTIMATED LOSS:	
REMARKS: RECEIVED A CALL FOR A FIRE AT ABOVE LOCATION, UPON ARRIVAL HAD ABOUT A AREA 700 FT X 1 000 FT OF	ON ARRIVAL HAD ABOU	T A ARFA 700 FT X 1 000 FT OF	٠.
BURNING RUBBISH. USED DECK GUN 1-1/2 LINE AND 2-1/2 INCH LINE TO EXTINGUISH. HOMETOWN CALLED FOR STANDBY	LINE TO EXTINGUISH. F	HOMETOWN CALLED FOR STANDBY	S 18 PA

APPROVED BY OFFICER IN CHARGE ASST CHIEF ED MATYKIEWICZ

AT OUR STATION

FIRE CHIEF John M. Cenned DATE 10/04/94
FIRE MARSHAL 1 Colum (Darles DATE 10/36/94)

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DATE 3 OCT 94 TIME CALL CAME IN: 1939	ALARM FIRE CALL #352	157 C #318100	
TIME DISPATCHED: 1939 IN SERVICE: 1942 NOTIFIED BY	<u> </u>		
ADDRESS: 7955 59TH ST	OCCUPANT:	PHONE:	7. 1.5.
TYPE OF BUILDING:	OWNER: MIDWEST METALLIC	LLIC PHONE:	rr fildig Heriot
OCCUPIED AS:	OWNER ADDRESS:		
OTHER OCCUPANTS:			
TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE	VEHICLE RUBBISH	GRASS FALSE MUTUAL AID	
RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM	ASSIST POLICE ASSIS	ASSIST AMB. EXTRACATION HAZ MAT	
OTHER:	ORIGIN / CAUSE: UNK	NK	
WEATHER COND: CLEAR / TEMP 62 CLOUDY RAIN FOG SNOW	WIND: DIRECTION	VELOCITY HUMIDITY	in and
UNITS RESPONDING: ENG 952 950			
EXTINGUISHED BY: WATER _ CHEMICALS _ SELF EXTINGUISHED	HED MAKE SHIFT AIDS	SO	12 - 19 1
TOTAL TIME UNITS OUT: MANPOWER: 13	BOX 2nd ALARM	3rd ALARM 4th ALARM SPECIAL	
LOSS DATA		VEHICLE FIRE	S C.
ESTIMATED VALUE OF BUILDING:	AUTOMOTIVE: Vehicle		
ESTIMATED VALUE OF LOSS:	Make	Year Model	1 2 2 2
ESTIMATED VALUE OF CONTENTS:	LICENSE #	State Year	
ESTIMATED VALUE OF LOSS:	VEHICLE TAG #	City	
ESTIMATED INSURANCE ON BUILDING:	OWNER NAME:	PHONE #	
ESTIMATED INSURANCE ON CONTENTS:	ADDRESS:		
DEATHS:	FIRE STARTED IN:		
INJURIES:	SERIAL NUMBER:		
	ESTIMATED VALUE:	ESTIMATED LOSS:	
REMARKS: RECEIVED A CALL FOR A RUBBISH FIRE. UPON ARRIVAL THEIR PERSONEL HAD FIRE UNDER CONTROL AND STATED	THEIR PERSONEL HAD	FIRE UNDER CONTROL AND STATED	
THEY COULD HANDLE SITUATION.			

APPROVED BY OFFICER IN CHARGE ASST CHIEF ED MATYKIEWICZ

FIRE MARSHAL (Leagher) FIRE CHIEF

DATE 10/04/94 DATE 10/30/94

DATE Oct.23, 1994 TIME CALL CAME IN: 18:50 hrs.	RADIO FIRE CALL #940373	.0373 S.C. #94-318926
TIME DISPATCHED: 18:50 hrs. IN SERVICE: 18:55 hrs. NOTIFIED BY ADDRESS: 7955 West 59th. Street Midwest Metallic	TX WALK-IN OCCIPANT:	:00 hrs. DISMISSAL: 20:00 hrs.
TYPE OF BUILDING:	OWNER:	PHONE:
OCCUPIED AS: Scrap Yard	OWNER ADDRESS:	
OTHER OCCUPANTS:		
TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE	VEHICLE RUBBISH	GRASS FALSE MUTUAL AID
RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM	ASSIST POLICE ASSIST	ASSIST AMB. EXTRACATION HAZ MAT
OTHER:	ORIGIN / CAUSE: Sp	ORIGIN / CAUSE: Spontanous Combustion
WEATHER COND: CLEAR V TEMP 50 CLOUDY RAIN FOG SNOW	WIND: DIRECTION WEST	VELOCITY 15mph HUMIDITY 40%
UNITS RESPONDING: Engine's 952,955,951, Ambulance 957.		
EXTINGUISHED BY: WATER CHEMICALS SELF EXTINGUISHED	HED MAKE SHIFT AIDS	_ 80
TOTAL TIME UNITS OUT: 45min. MANPOWER: 10	BOX 2nd ALARM	3rd ALARM 4th ALARM SPECIAL
LOSS DATA		VEHICLE FIRE
ESTIMATED VALUE OF BUILDING:	AUTOMOTIVE: Vehicle	
ESTIMATED VALUE OF LOSS:	Make	Year Model
ESTIMATED VALUE OF CONTENTS:	LICENSE #	State Year
ESTIMATED VALUE OF LOSS:	VEHICLE TAG #	City Year
ESTIMATED INSURANCE ON BUILDING:	OWNER NAME:	PHONE #
ESTIMATED INSURANCE ON CONTENTS:	ADDRESS:	
DEATHS: None	FIRE STARTED IN:	
INJURIES: None	SERIAL NUMBER:	
	ESTIMATED VALUE:	ESTIMATED LOSS:
REMARKS: Upon arrival, had large pile of scrap burning. Midwest Met	allic emplovee using thei	Midwest Metallic employee using their front end loader machine and Fire

DATE 1930/920

FIRE MARSHAL

FIRE CHIEF (

APPROVED BY

OFFICER IN CHARGE Chief John Nemeth

returned to quarters.

DATE 10/26

Department using the booster line, extinguished the fire. Employee's stayed on scene to keep watch on the pile. All equipment

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DATE 13 NOV 94 TIME CALL CAME IN: 1136	RADIO FIRE CALL #406	901	S.C. #319793	
NOTIFIED BY	TX WAI K-IN ON SCENE: 1142	142	DISMISSAL: 1245	
ADDRESS: 7955 W 59TH ST	OCCUPANT:		PHONE:	
rype of Building:	OWNER: MIDWEST METALLIC	TLIC	PHONE:	1
OCCUPIED AS: SCRAP YARD	OWNER ADDRESS:			
OTHER OCCUPANTS:				
IYPE CALL: RESIDENCE BUSINESS INDUSTRY / GARAGE	VEHICLE RUBBISH	GRASS	FALSE MUTUAL AID	
RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM	ASSIST POLICE ASSIS	ASSIST AMB EXT	EXTRACATION HAZ MAT	
OTHER:	ORIGIN / CAUSE: UNK	JNK		· .
WEATHER COND: CLEAR ✓ TEMP 55 CLOUDY RAIN FOG SNOW	SNOW WIND: DIRECTION	VELOCITY_	HUMIDITY	· · · · · · · · · · · · · · · · · · ·
JNITS RESPONDING: ENG 952, 955, AMB 957				
EXTINGUISHED BY: WATER CHEMICALS SELF EXTINGUISHED	SHED MAKE SHIFT AIDS			- #121 st
FOTAL TIME UNITS OUT: MANPOWER: 10	BOX 2nd ALARM	3rd ALARM	4th ALARM SPECIAL	
LOSS DATA		VEHICLE FIRE	ų.	
ESTIMATED VALUE OF BUILDING:	AUTOMOTIVE: Vehicle			
ESTIMATED VALUE OF LOSS:	Make	Year	Model	
ESTIMATED VALUE OF CONTENTS:	LICENSE #	State	Year	
ESTIMATED VALUE OF LOSS:	VEHICLE TAG #	City	Year	
ESTIMATED INSURANCE ON BUILDING:	OWNER NAME:		PHONE #	
ESTIMATED INSURANCE ON CONTENTS:	ADDRESS;			· · ·
DEATHS:	FIRE STARTED IN:			
INJURIES:	SERIAL NUMBER:		Annual control of the	1974 LW
	ESTIMATED VALUE:	EST	ESTIMATED LOSS:	
REMARKS: BECEIVED A CALL GOB A BURBISH FIBE AT ABOVE LOC	APONE I OCATION I IBON ABBINAL UAN I ANDE BILE DE BILLE D	3 3 2 0 4 0 4 0		

OFFICER IN CHARGE ASST CHIEF ED MATYKIEWICZ APPROVED BY

CONTACTED. FIRE TURNED OVER TO THEIR PERSONEL

FIRE CHIEF LIGH M. CENTER

BURNING, WE WERE UNABLE TO GAIN ACCESS TO FIRE BECAUSE OF CONDITIONS OF ROAD, AFTER 15 MIN OPERATOR

DATE ///3/9

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ATE 24 NOV 94 TIME CALL CAME IN: 07:21	A RADIO FIRE CALL # 415	s.c. #320210
IME DISPATCHED: 07:21 IN SERVICE: 07:24	TX ON SCENE: 07:29 WALK-IN	DISMISSAL: 08:00
DDRESS: 7955 W. 59TH ST.	OCCUPANT:	PHONE:
YPE OF BUILDING:	OWNER: MIDWEST METALLICS.	PHONE:
CCUPIED AS:	OWNER ADDRESS:	
THER OCCUPANTS:		
YPE CALL: RESIDENCE BUSINESS INDUSTRY / GARAGE	VEHICLE RUBBISH ✓ GRASS	FALSE MUTUAL AID
RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM	ASSIST POLICE ASSIST AMB	EXTRACATION HAZ MAT
тнек:	ORIGIN / CAUSE: UNK.	
/EATHER COND: CLEAR ✓ TEMP 30 CLOUDY RAIN FOG SNOW	SNOW WIND: DIRECTION VELOCITY	TY HUMIDITY
NITS RESPONDING: ENG. 952		
XTINGUISHED BY: WATER CHEMICALS SELF EXTINGUISHED	4ED MAKE SHIFT AIDS	
OTAL TIME UNITS OUT: 36 MIN, MANPOWER: 17	BOX 2nd ALARM 3rd ALARM	M 4th ALARM SPECIAL
LOSS DATA	VEHICI	VEHICLE FIRE
ESTIMATED VALUE OF BUILDING:	AUTOMOTIVE: Vehicle	
ESTIMATED VALUE OF LOSS:	Make	ır Model
ESTIMATED VALUE OF CONTENTS:	LICENSE # State	te Year
ESTIMATED VALUE OF LOSS:	VEHICLE TAG # City	Year
ESTIMATED INSURANCE ON BUILDING:	OWNER NAME:	PHONE #
ESTIMATED INSURANCE ON CONTENTS:	ADDRESS:	
DEATHS:	FIRE STARTED IN:	
INJURIES:	SERIAL NUMBER:	
	ESTIMATED VALUE:	ESTIMATED LOSS:
EMARKS: RECEIVED A CALL FOR A FIRE AT MIDWEST METALLICS.	METALLICS. UPON ARRIVAL HAD A PILE of rubbish on fire, MIDWEST	rubbish on fire, MIDWEST

OFFICER IN CHARGE ASST CHIEF ED MATYKIEWICZ APPROVED BY

PERSONEL ON SCENE STATED THEY COULD HANDLE FIRE. RETURNED TO QUARTERS.

FIRE CHIEF THIN M. GIME FIRE MARSHAL FORM CENTE

DATE 11/38/8

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DATE 12/24/94 TIME CALL CAME IN: 10:30	ALARM RADIO FIRE CALL # 465	55 S.C. # 321385	
TIME DISPATCHED: 10:30 IN SERVICE: 10:35 NOTIFIED BY ADDRESS: 7955 W. 59TH STREET	TX ON SCENE: 10:42 OCCUPANT:):42 DISMISSAL: 11:50 PHONE:	
TYPE OF BUILDING:	OWNER: MIDWEST METALLIC		
OCCUPIED AS: JUNK YARD	OWNER ADDRESS:		
OTHER OCCUPANTS:			
TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE	VEHICLE RUBBISH /	GRASS FALSE	MUTUAL AID
RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM	ASSIST POLICE ASSIST AMB.	EXTRACATION	HAZ MAT
ОТНЕВ:	ORIGIN / CAUSE: CONDUCTION	ONDUCTION	
WEATHER COND: CLEAR _ TEMP 42 _ CLOUDY ✓ RAIN _ FOG _ SNOW _	WIND: DIRECTION NORTH VELOCITY 10 MPH	L VELOCITY 10 MPH HUMIDITY 86%	%98 <i>/</i>
UNITS RESPONDING: ENG. 955, 951, SQD, 954 & VAN 950			Ì
EXTINGUISHED BY: WATER 🗸 CHEMICALS SELF EXTINGUISHED	HED MAKE SHIFT AIDS	ွှ	
TOTAL TIME UNITS OUT: 1 HR. 20M MANPOWER: 17	BOX 2nd ALARM	3rd ALARM 4th ALARM	SPECIAL
LOSS DATA		VEHICLE FIRE	
ESTIMATED VALUE OF BUILDING:	AUTOMOTIVE: Vehicle		
ESTIMATED VALUE OF LOSS:	Make	Year Model	
ESTIMATED VALUE OF CONTENTS:	LICENSE #	State Year	
ESTIMATED VALUE OF LOSS:	VEHICLE TAG #	City Year	
ESTIMATED INSURANCE ON BUILDING:	OWNER NAME:	PHONE #	
ESTIMATED INSURANCE ON CONTENTS:	ADDRESS:		
DEATHS: NONE	FIRE STARTED IN:		
INJURIES: NONE	SERIAL NUMBER:		
	ESTIMATED VALUE:	ESTIMATED LOSS:	
REMARKS: RESPONDED TO ABOVE LOCATION FOR RUBBISH ON FIRE. UPON ABRIVAL FOUND TO BE SEVERAL JUNKED CARS	F IIPON ARRIVAL FOLLI	ID TO BE SEVEBAL ILINKED	ABS

AND SMALL PILE OF RUBBISH ON FIRE. FIRE WAS EXTINGUISHED WITH 1 3/4 PRE-CONNECT, TANK WATER. ALL UNITS FIRE CHIEK APPROVED BY OFFICER IN CHARGE LT, KEN KAMINSKI RETURNED TO QUARTERS.

DATE 12/27/94

DATE 12/28/44

FIRE MARSHAL

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DATE 12-26-94 TIME CALL CAME IN: 21:46	RADIO FIRE CAI	FIRE CALL # 467	S.C. # 321451	
TIME DISPATCHED: 21:46 IN SERVICE: 21:47 NOTIFIED BY	TX WALK-IN	ON SCENE: 21:49	DISMISSAL: 22:00	
ADDRESS: 7955 W. 59TH STREET	OCCUPANT:		PHONE	
TYPE OF BUILDING:	OWNER:		PHONE:	
OCCUPIED AS: MIDWEST METALLIC	OWNER ADDRESS:			
OTHER OCCUPANTS:				
TYPE CALL: RESIDENCE BUSINESS / INDUSTRY GARAGE	VEHICLE RUBBISH	SH GRASS	FALSE MUTUAL AID	
RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM _	ASSIST POLICE A	ASSIST AMB E>	EXTRACATION HAZ MAT	1
ОТНЕВ:	ORIGIN / CAUSE:	Ë		
WEATHER COND: CLEAR √ TEMP 31_ CLOUDY RAIN FOG SNOW_	WIND: DIRECTION S/W	}	VELOCITY 15 MPH HUMIDITY	
UNITS RESPONDING: 955, 954				
EXTINGUISHED BY: WATER CHEMICALS SELF EXTINGUISHED	SHED MAKE SHIFT AIDS	-T AIDS		
TOTAL TIME UNITS OUT: 15 MIN. MANPOWER: 17	BOX 2nd ALARM	3rd ALARM	4th ALARM SPECIAL	
LOSS DATA		VEHICLE FIRE	RE	
ESTIMATED VALUE OF BUILDING:	AUTOMOTIVE: Vehicle	ole		
ESTIMATED VALUE OF LOSS:	Make	Year	Model	
ESTIMATED VALUE OF CONTENTS:	LICENSE #	State	Year	- :
ESTIMATED VALUE OF LOSS:	VEHICLE TAG #	City	Year	
ESTIMATED INSURANCE ON BUILDING:	OWNER NAME:		PHONE #	
ESTIMATED INSURANCE ON CONTENTS:	ADDRESS:			
DEATHS: NONE	FIRE STARTED IN:			
INJURIES: NONE	SERIAL NUMBER:			-
	ESTIMATED VALUE:		ESTIMATED LOSS:	- 1
REMARKS: RECEIVED CALL OF BURBISH BURNING SMOUDEBING BU	DEBING BILES MIDWEST METALLIC WOLLD HANDLE			7.5

OFFICER IN CHARGE CAPT. J. ESPOSITO (9504)

APPROVED BY

TO QUARTERS.

FIRE CHIEF JOHN M. LONG FIRE MARSHAL JOSEN WORK

12/27, DATE 12/27, BATE 12/29,

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ATE 12 JAN 95 TIME CALL CAME IN: 2203	ALARM FIRE CALL #24	24	S.C. #322040	
IME DISPATCHED: 2203 IN SERVICE: 2208		2210	DISMISSAL: 2245	
DDRESS: <u>7955 W 59TH ST</u>	OCCUPANT:		PHONE	
YPE OF BUILDING:	OWNER: MIDWEST METALLICS	ALLICS	PHONE:	
CCUPIED AS:	OWNER ADDRESS:			-
THER OCCUPANTS:				· \$4.
YPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE	VEHICLE RUBBISH	✓ GRASS	FALSE MUTUAL AID	
RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM	ASSIST POLICE ASS	ASSIST AMB EXT	EXTRACATION HAZ MAT	
THER:	ORIGIN / CAUSE: UNK	UNK		
/EATHER COND: CLEAR V TEMP 35_ CLOUDY RAIN FOG SNOW	WIND: DIRECTION	VELOCITY	HUMIDITY	
NITS RESPONDING: ENG 952, 955				andres.
XTINGUISHED BY: WATER CHEMICALS SELF EXTINGUISHED	HED MAKE SHIFT AIDS	NDS		
OTAL TIME UNITS OUT: MANPOWER: 16	BOX 2nd ALARM	3rd ALARM	4th ALARM SPECIAL	
LOSS DATA		VEHICLE FIRE	¥	
ESTIMATED VALUE OF BUILDING:	AUTOMOTIVE: Vehicle			
ESTIMATED VALUE OF LOSS:	Make	Year	Model	
ESTIMATED VALUE OF CONTENTS:	LICENSE #	State	Year	-
ESTIMATED VALUE OF LOSS:	VEHICLE TAG #	City	Year	
ESTIMATED INSURANCE ON BUILDING:	OWNER NAME:		PHONE #	2.00
ESTIMATED INSURANCE ON CONTENTS:	ADDRESS:			
DEATHS:	FIRE STARTED IN:			
INJURIES:	SERIAL NUMBER:			
	ESTIMATED VALUE:	EST	ESTIMATED LOSS:	
EMARKS: RECEIVED A CALL FOR A RUBBISH FIRE LIPON ARRIVAL HAD PILE OF RUBBISH SMOLDERING LIPON ARBIVAL THEIR	HAD PILE OF BLIBBIS	SMOI DEBING	LIPON ARRIVAL THEIR	·

OFFICER IN CHARGE ASST CHIEF ED MATYKIEWICZ APPROVED BY

PERSONEL WERE ON SCENE THEY STATED THEIR WAS NO FIRE AND THEY WOULD HANDLE ANY SMOLDERING.

FIRE CHIEF AUTOR MENTELL SON

DATE 0//7/ DATE 1/18

DATE 5/21/95 TIME CALL CAME IN: 13:19	V RADIO FIRE CALL # 188	# 188	S.C. # 327146	
IIME DISPATCHED: 13:19 IN SERVICE: 13:20 NOTIFIED BY	TX ON SCENE: 13:21	13:21	DISMISSAL: 15:30	
ADDRESS: 7955 W, 59TH ST,	OCCUPANT:		PHONE:	
TYPE OF BUILDING:	OWNER: MIDWEST METALLIC	ETALLIC	PHONE:	
OCCUPIED AS:	OWNER ADDRESS:			
OTHER OCCUPANTS:				1
rype Call: Residence Business Industry Garage	VEHICLE RUBBISH /	4 🗸 GRASS	FALSE MUTUAL AID	.,.
RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM	ASSIST POLICE A8	ASSIST AMB EX	EXTRACATION HAZ MAT _	!
)THER:	ORIGIN / CAUSE	ORIGIN / CAUSE: COMBUSTION	7	
WEATHER COND: CLEAR ✓ TEMP Z5_ CLOUDY _ RAIN _ FOG _ SNOW _	FOG_ SNOW _ WIND: DIRECTION_NW	W VELOCITY_10	10 HUMIDITY 58%	· · · · · · · · · · · · · · · · · · ·
JNITS RESPONDING: VAN 950, ENG. 952, ENG. 955, AMB. 957, ENG. 951	G. 951			
EXTINGUISHED BY: WATER ✓ CHEMICALS _ SELF EXTINGUISHED	SHED MAKE SHIFT AIDS	r AIDS		= -7
FOTAL TIME UNITS OUT: 1H, 51M MANPOWER:	BOX 2nd ALARM	3rd ALARM	4th ALARM SPECIAL	1
LOSS DATA		VEHICLE FIRE	RE	
ESTIMATED VALUE OF BUILDING:	AUTOMOTIVE: Vehicle	e		
ESTIMATED VALUE OF LOSS:	Make	Year	Model	
ESTIMATED VALUE OF CONTENTS:	LICENSE #	State	Year	
ESTIMATED VALUE OF LOSS:	VEHICLE TAG #	City	Year	
ESTIMATED INSURANCE ON BUILDING:	OWNER NAME:		PHONE #	
ESTIMATED INSURANCE ON CONTENTS:	ADDRESS:			
DEATHS: NONE	FIRE STARTED IN:			
INJURIES: NONE	SERIAL NUMBER:			
	ESTIMATED VALUE:	ES	ESTIMATED LOSS:	
REMARKS: LIPON ARRIVAL HAD LARGE SCRAP PILE OF FLIJEF & METAL BLIBINING PERSONNEL FROM MIDWEST METALLICS	ETAI BURINING PE	SONNEL FROM	MIDWEST METALLICS	_

USED A BULLDOZER TO AID IN EXTINGUISHING FIRE, ENG. 952 USED DECK GUN AND BOOSTER LINE WITH ENG.'S 955 & 951 SHUTTLING WATER, ALSO AIDING WITH FIRE SUPPRESSION.

OFFICER IN CHARGE CHIEF NEMETH

APPROVED BY

FIRE CHIEF LIKE M. Cerreth FIRE MARSHAL ICELUM (Danks

DATE<u>OS/25/9</u>

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